

Tho: Froster

THE
ARRAIGNMENT,
TRYAL
AND
CONDEMNATION
OF
Stephen Colledge
FOR
HIGH-TREASON,
IN
Conspiring the Death of the KING, the
Levyng of WAR, and the Subversion of the GOVERNMENT.

Before the Right Honourable *Sr. Francis North*, Lord Chief Justice
of the Court of *Common-Pleas*, and other Commissioners of *Oyer and*
Terminer and Gaol Delivery held at the City of *Oxon* for the Coun-
ty of *Oxon*, the 17th and 18th of *August* 1681.

L O N D O N,

Printed for *Thomas Bassett* at the *George* in *Fleetstreet*, and *John Fish*
near the *Golden Tun* in the *Strand*. 1 6 8 1.

THE
HISTORY OF
THE
ROYAL

COMMISSION
OF THE
SCHOOL

HIGH SCHOOL

Containing the Death of the King
and the History of the
the King's House, the School, and the
the Court of the King, and the
the King's House, the School, and the
the Court of the King, and the

By
The
The

To the King's Most Excellent Majesty.

The humble Petition of Stephen Colledge, now Prisoner in
Your Majesty's Tower of London,

Most humbly sheweth,

That whereas Your Petitioner being charged with High-Treason, is under strait Confinement, that he hath not liberty to see or speak with any of his Friends or his Children, and being lately informed, that it is ordered Your Petitioner shall come to his Tryal at the City of Oxon about the middle of the next Month.

Your Petitioner therefore most humbly prayes Your Sacred Majesty, That leave may be given for Mr. Thomas Smith and Mr. Robert West to come to him; and also to have the use of Pen, Ink and Paper, in order only to make his Legal and just Defence, and also to have the Comfort of seeing his two Children.

And your Petitioner as in duty bound
shall ever pray, &c.

A true Copy,

Francis Gwyn.

At Hampton-Court, JULY 28. 1681.

UPon Reading this Day at the Board the Petition of Stephen Colledge Prisoner in the Tower, praying that in order to the making his Defence at his Tryal, which he bears is to be the middle of the next Month, he may be permitted to see his two Children, to have the Liberty of Pen, Ink and Paper, and that Mr. Thomas Smith, and Mr. Robert West may come to him. His Majesty was pleased to Order, That the Lieutenant of the said Tower of London, do permit the said Stephen Colledge to have Pen, Ink and Paper, and to see his two Children, and the said Mr. Thomas Smith, and Mr. Robert West, and to converse with them as often as he shall desire in the presence and hearing of the Wardour who attends him.

A true Copy,

Francis Gwyn.

To the King's Most Excellent Majesty,
and to the Right Honourable the Lords and others of His
Majesties Most Honourable Privy Council.

The humble Petition of Stephen Colledge now a Prisoner
in the Tower of London,

Humbly sheweth,

That Your Petitioner having been a close Prisoner ever since his first Commitment, is altogether ignorant of the particular matters charged against him, and of the Names of the Witnesses who are to prove the same; upon his knowledge of both which, as well the nature as the manner of his Defence must depend; and because upon the consideration of his Case, several Matters of Law may arise as well before as at the Time of his Tryal in which Counsel will be necessary to assist him, and several Matters of Fact preparatory to his Tryal, with which under his Confinement he cannot be furnished without the help of a Solicitor, and he is like to be wholly incapable of receiving any benefit from the privilege allowed by Law of peremptory Challenge to several Jurors, especially in a Countrey where he is absolutely a stranger, unless he may have some knowledge of them before his Tryal.

In full assurance therefore of the great Justice and Clemency of Your Majesty and this Honourable Board which he hath lately had some experience of, and doth with all humility and thankfulness acknowledge, Your Petitioner doth humbly beseech Your Majesty and this Honourable Board, that he may have a Copy of the Indictment against him, or the particular Charges of it, That his Counsel and Solicitor may have free access to, and private Conference with him; and because their own private affairs or other accidents may call away some of his Counsel from his assistance, that Mr. Wallop, Mr. Smith, Mr. Thompson, Mr. Darnell, Mr. West of the Middle Temple, Mr. Holles of Lincolns Inn, Mr. Rotherham, Mr. Lovell, Mr. Rowny of Grayes Inn, Mr. Pollexfin, Mr. Ward of the Inner Temple, may be assigned him for Counsel, and Aaron Smith for his Solicitor, and that he may have a Copy of the Jurors to be returned upon his Tryal some dayes before his Tryal.

And your Petitioner shall ever pray, &c.

A true Copy,

Francis Gwyn.

At Hampton-Court, AUG. II. 1681.

It is Ordered by his Majesty in Council, That the Friends and Relations of Stephen Colledge a Prisoner in the Tower, shall have Liberty of Visiting and freely Conversing with him; and the Lieutenant of the Tower having first caused their Names to be taken in Writing, is to suffer such Friends and Relations to have Access to the said Stephen Colledge without any Interruption from time to time accordingly.

A true Copy,

Francis Gwyn.

T H E

THE TRIAL OF Stephen Colledge, &c.

Present the
 Lord *Norreys*.
 Lord Chief Justice *North*.
 Mr. Justice *Fones*.
 Mr. Justice *Raymund*.
 Mr. Justice *Levyngs*.

On *Wednesday* the 17th of *August*, 1681. the Judges and Commissioners of *Oyer* and *Terminer* and Gaol-Delivery, met at the Court-House in the City of *Oxford*; and after Proclamation for Silence, the Commission of Gaol-Delivery was Read, and then the Commission of *Oyer* and *Terminer*. Proclamation was made for the Sheriff to return the Precepts to him directed: The Justices of the Peace of the County of *Oxford* were called over; and the Appearance of the Grand Jury summoned to attend this Commission was taken.

L. Ch. Just. North.

Gentlemen, You that are returned of the Grand Inquest, there has been a Sessions so lately that in all probability there will be no great matter to trouble you with at this time. And so I shall not trouble myself nor you to give you any Charge, because we know of no business yet that we shall need you for. The Court hath recorded your Appearance. You will do well to be in the way either in the Town or here about the Court, that you may be ready if any thing should happen. 'Tis necessary for us to have your attendance, but we know not of any thing that we have in particular to trouble you with. We have an Indictment before us, let us proceed upon that.

Cl. of the Crown. Gaoler, have you your Prisoner?

Gaoler. We will fetch him presently.

Then the Prisoner was brought to the Bar.

Cl. of Cr. Stephen Colledge hold up thy hand. (Which he did.)

Thou art here Indicted by the Name of Stephen Colledge late of Oxford, in the County of Oxford, Carpenter; For that thou as a false Traytor against the most Illustrious, most Serene, and most Excellent Prince, our Sovereign Lord Charles the Second, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. thy Supreme and Natural Lord, the Fear of God in thy heart not having, nor weighing the Duty of thy Allegiance, but being moved and seduced by the Instigation of the Devil, the cordial Love, and true due and natural obedience which true and faithful Subjects of our said Sovereign Lord the King towards him our said Sovereign Lord the King, should and of right ought to bear, wholly withdrawing and machinating, and with all thy strength intending the Peace and common tranquillity of our said Sovereign Lord the King of this Kingdom of England to disturb, and Sedition and Rebellion, and War against our Sovereign Lord the King, within this Kingdom of England to move, stir up and procure; and the Cordial Love, and true and due Obedience which true and faithful Subjects of our said Sovereign Lord the King, towards him our said Sovereign Lord the King should and of right ought to bear, wholly to withdraw, put out and extinguish, and him our said Sovereign Lord the King to Death and final Destruction to bring, and put the Tenth day of March, in the Three and Thirtieth year of the Reign of our Sovereign Lord Charles the Second, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. at Oxford, in the County of Oxford, Falsly, Maliciously, Subtily and Traiterously, did Purpose, Compass, Imagine, and Intend Sedition and Rebellion within this Kingdom of England, to move, stir up, and procure, and a Miserable Slaughter among the Subjects of our said Sovereign Lord the King to procure and cause, and our said Sovereign Lord the King from his Regal State, Title, Power and Government of his Kingdom of England, to deprive, depose, cast down and disinheris; and him our said Sovereign Lord the King to Death and final Destruction to bring and put, and the Government of the said Kingdom at thy will and pleasure to change and alter, and the State of all this Kingdom of England, in all its parts well instituted and ordained, wholly to Subvert and Destroy, and war against our said Sovereign Lord the King, within this Kingdom of England to levy; and thy said most Wicked Treasons and Trayterous Imaginations and Purposes aforesaid to fulfil and perfect; thou the said Stephen Colledge the said tenth day of March, in the Three and Thirtieth year of the Reign of our said Sovereign Lord the King with force and Arms, &c. at Oxford aforesaid, in the County of Oxford aforesaid, Falsly, Maliciously, Subtily, Advisedly, Devilishly and Traiterously did prepare Arms and Warlike offensive habiliments to wage War against our said Sovereign Lord the King. And thy self in warlike manner for the purposes aforesaid, then and there Falsly, Maliciously, Subtily, Advisedly, Devilishly and Traiterously didst Arm, and one Edward Timbervill, and other Subjects of our said Sovereign Lord the King, to Arm themselves, to perfect thy Traiterous purposes aforesaid, then and there Advisedly, Maliciously and Traiterously didst incite and advise. And further, then and there Falsly, Maliciously, Subtily, Advisedly, Devilishly and Traiterously didst say and declare, that it was purposed and designed to seize the Person of our said Sovereign Lord the King at Oxford aforesaid, in the County of Oxford aforesaid. And that thou the said Stephen Colledge in prosecution of thy Traiterous purpose aforesaid,

aforesaid, wouldst be one of them who should seize our said Sovereign Lord the King at Oxford aforesaid in the County aforesaid. And that thou the said Stephen Colledge thy said most wicked Treasons and traiterous Imaginations, Compassings and Purposes aforesaid the sooner to fulfill and perfect, and discords between our said Sovereign Lord the King and his People to move, cause and procure, then and diverse times and dayes as well before as after at Oxford aforesaid in the County of Oxford aforesaid in the presence and hearing of diverse Leige Subjects of our said Sovereign Lord the King, then and there being present, falsly, maliciously, subtilly, advisedly, devillishly and Traiterously didst say and declare, That nothing of good was to be expected from our said Sovereign Lord the King, & that our said Sovereign Lord the King did mind nothing but beastliness and the Destruction of his People: And that our said Sovereign Lord the King did endeavour to establish Arbitrary Government and Popery against the Duty of thy Allegiance, against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statutes in this Case made and provided.

How say'st thou Stephen Colledge, art thou Guilty of this High Treason whereof thou standest indicted and hast been now arraigned, or Not Guilty?

Colledge. My Lord, I do desire, if it please your Lordship, to be heard a few words.

L. Ch. Just. Look you Mr. Colledge, the matter that hath been here read unto you is a plain matter, and it hath been read to you in English, that you may understand it. 'Tis an Indictment of High Treason; now you must know, that no Plea can be received to it, but either Guilty or Not Guilty as to the Fact; if you can assign any matter in Law, do it.

Colledge. Will you please to spare me, that I may be heard a few words. I have been kept close Prisoner in the Tower ever since I was taken: I was all along unacquainted with what was charged upon me. I knew not what was sworn against me, nor the persons that did swear it against me, and therefore I am wholly ignorant of the matter. I do humbly desire, I may have a Copy of the Indictment, and a Copy of the Jury that is to pass upon me, and that I may have Council assigned me, to advise me, whether I have not something in Law pleadable in Bar of this Indictment.

L. Ch. Just. These are the things you ask, you would have a Copy of the Indictment, you would have Council assigned to you, to advise you in matter of Law, and a Copy of the Jury.

Colledge. One word more my Lord, I desire to know upon what Statute I am indicted.

L. Ch. Just. I will tell you for that, Is it not *contra formam Statut.* with an abbreviation?

Cl. of C. Yes.

L. Ch. Just. That refers to all manner of Statutes that have any Relation to the thing in the Indictment that is High Treason. For it may be meant *contra formam Statut.* which are all the several Statutes that are in force concerning High Treason. Now for those things that you demand, you cannot have them by Law. No man can have a Copy of the Indictment by Law; for Council you cannot have it, unless matter of Law arises, and that must be propounded by you; and then if it be a matter debatable, the Court will assign you Council, but it must be upon a matter fit to be argued: for I must tell you, a defence in Case of High Treason ought not to be made by Artificial Cavils, but by plain Fact. If you propose any matter of Law, the Court will consider of it, and assign you Council if it be reasonable. For a Copy of the Jury, that you can't have neither, for there is no such thing as yet; there is no Issue joyned whereupon such a Jury should be impannelled. When you have pleaded to Issue, then we must award the Sheriff to impannel a Jury to try that Issue. So as to what you say as to want of preparation for your Tryal, we cannot enquire what Notice you have had; and yet if you had never so little time, there is no cause why you should not plead, though you were but just now taken and brought to the Bar to answer it, and never heard of any thing of it before. So that I think you ought to plead presently.

Colledge. My Lord, I am wholly ignorant of the Law, I may ruine my self by mistaking the Law; I desire Council, not to delay my Tryal, but only to advise me whether there is not something in Law proper for me to plead to this Indictment,

and those things I alledged were not at all to delay the Tryal, but only that I may not be wanting to my self in what I may by Law have.

L. Ch. Just. I tell you, Council cannot be assigned you, till the Court be possessed of some matter to grant it upon.

Colledge. I had some Papers my Lord, that were taken from me, which I desire may be restored to me. I only plead, that I may have my Birth right, and that which the Law gives me; If I may have Justice, I desire no more. Those Papers were taken from me in the House over the way since I was brought from the Prison; they were Papers that concerned my defence, some directions and instructions how to manage my self in that defence. If you please to let me have those Papers, I will not take up much of your time; I desire to have but Common Justice, and that which is my right by Law.

L. Ch. Just. That which you demand, Justice, you shall have by the Grace of God to the best of our skill, without any partiality in the World. But you must trust the Publick Justice of the Kingdom. We are to be of Council for you, so far as to see that all things proceed fairly on all sides. And when things come before us that are fit for you to have Council upon, you shall have Council assigned you; for we are tender of the Life of a Man, as well as of the Life of the King, and of the Publick Justice of the Kingdom. But this is no reason why you should not now plead. For the Papers you speak of, we will take an Examination of them afterwards. If they were Papers that are necessary for your defence upon your Tryal, in Gods Name you must have them restored to you, but we know not which way you came by them, nor what they are.

Colledge. They were taken from me just now under the pretence of bringing them to your Lordship.

L. Ch. Just. How comes any body to give you Papers? No body can solicit for any one that is under an Accusation of High Treason, unless he be assigned so to do by the Court.

Colledge. God have mercy upon any man that is so accused then; for 'tis not possible for him to make his defence, if he cannot be at Liberty to look after it himself, nor any of his friends permitted to do it for him.

L. Ch. Just. You can say, whether you are Guilty or Not Guilty without any Papers.

Colledge. My Lord, I know not but there may be something in Law for me to plead to this Indictment, which I shall lose the benefit of if I plead. I humbly conceive, you are to be my Council, and as you are Judges, are to proceed according to the Law. You are upon your Oaths to do me right according to the Law.

Mr. Just. Jones. But till you have proposed a matter of Law fit for Council to argue, there is no Council to be assigned you.

Colledge. If I had those Papers I could tell what I should plead. My Lord, this is one thing, I am a Free-man of London, and I am not impleadable by the Charter of London any where out of the Liberties of the City in Pleas of the Crown.

L. Ch. Just. You are indicted in Oxfordshire for High Treason committed here. If there be not any thing of High Treason proved, done in Oxfordshire, you will be acquitted. But a Free-man of London cannot have a Privilege to commit Treason in Oxfordshire, but must be tryed for it there.

Colledge. Will you please to order me my Papers back that were taken from me?

Mr. Just. Jones. You ought first to plead. You have a right to demand Council in matters of Law, but then it must be upon such matters of Law as you your self propose to the Court, and the Court shall judge to be matters of Law fit to be debated: Till then we cannot assign you Council.

Colledge. It was so in the Tryal of Lilburne, and in the Tryal of my Lord Stafford, there was Council assigned to them.

Mr. Just. Jones. Not before they pleaded to the Indictment.

Colledge. Did not your Lordships, some of you, that are Judges of the Kings Bench say, that it was the right of the Prisoner, to have a Copy of the Pannel and of the Jury before the Tryal?

Mr. Just. Jones. No sure: Here are two of us that are of the Court, and we never heard of any such thing.

Colledge. Pray my Lord, do me right, I am ignorant of the Law, and through my Ignorance may mistake.

L. Ch. Just. God forbid we should not do you right; you may expect it from us; we are upon our Oaths to do all the Kings Subjects right.

Colledge. I am ignorant in the Law, and 'tis impossible for me to make my defence without the Assistance of my Papers.

L. Ch. Just.

L. Ch. Just. Cannot you tell, whether you be Guilty or Not Guilty of this Treason?

Colledge. I can so, but I know not what error I may run my self into, if I should plead presently, and lose the benefit that the Law may give me.

L. Ch. Just. All matters of Law are saved to you after you have pleaded.

Colledge. Pray my Lord, let me have my Papers again that were taken from me.

Cl. of Cr. You must plead to the Court, Guilty or Not Guilty.

Colledge. Shall I not have my Papers after I have pleaded?

L. Ch. Just. We will not capitulate with you. Move what you will then, but till you have pleaded, we can enter into no other business.

Colledge. I know not but I might plead some other thing to the Indictment.

Mr. Just. Jones. Propose what you will, if it be a matter in Law fit to be argued, you shall have Council assigned you.

Colledge. Pray my Lord, let me have my Papers again. If it were not my right to have them, or to have Council, I would not ask it; but if it be, I would not lose what is my right.

L. Ch. Just. You must plead first. I know not but he may be criminal that brought you those Papers: for we allow no Solicitors in Cases of Treason.

Colledge. Some of those Papers were received from me in the Tower, and were brought back to me, and taken away but to day, I desire they may be returned.

Cl. of Cr. Are you Guilty or Not Guilty?

Colledge. Those Papers tell me I have a Plea in Law, but what it is, I cannot directly tell without my Papers.

L. Ch. Just. You must mention it and propose it, and then we will do what is fitting for us to do in it.

Colledge. I have not that method about me, nor can I directly tell it without my Papers; but 'tis something of Law about the Indictment.

L. Ch. Just. You are not bound up to forms of Law. For if you propose the matter never so loosely, yet if it be a matter of avail, and that which the Law is not clearly against you in, you shall have Council, and time to draw it up in form.

Colledge. I cannot propose the matter so regularly as if I had my Papers.

Mr. Just. Jones. You are not bound to propose it in formality of Law, my Lord tells you, only let us know what it is.

Colledge. If I have a privilege in Law, I hope you will give me the benefit of it.

L. Ch. Just. We will deny you nothing that the Law gives you; but we cannot give you Council. It is not one particular Case, but the Common Course of Justice is concerned. Without a matter of Law arises, we cannot assign you Council; if we would, we cannot in Justice till you have proposed the matter which the Court thinks fit to be argued.

Colledge. My Lord Coke sayes, It is the birth-right of every English-man to have Council in matters of Law, and Lilburne had it upon solemn argument in his Tryal.

Mr. Just. Jones. What times were those? That was before the High Court of Justice.

Mr. Att. Gen. If there be matter in Law, it must be proposed to the Court, and they are to judge, whether it be a point fit to be argued, and then Council is to be assigned you, and not till then.

Colledge. My Lord, I know not but there may be somewhat in Law for me to plead to this Indictment, till I have my Papers I can't tell what it is.

L. Ch. Just. We know nothing of your Papers what they are, you must answer whether you be Guilty or Not Guilty.

Colledge. If I had my Papers, I would answer to it immediately; but I hope I shall not be murdered.

Mr. Just. Jones. Have a care of aspersing the Court. Pray who intends to murder you?

Mr. Serj. Jefferies. I remember in Lilburne's Tryal, that he speaks of, such words, were used indeed.

Colledge. My Lord, I hope I shall not be deny'd what is necessary for my defence. This design is not only against me, but against all the Protestants.

Mr. Att. Gen. How long have you been a Protestant, Mr. Colledge?

Colledge. Ever since I knew what Religion was Sir; I never was any thing else. For Gods sake, my Lord, let me have the Justice of the Nation, and what by Law an English-man ought to have.

L. Ch. Just. You must plead Guilty or Not Guilty, or you must shew some matter that you will plead, that is proper for us to assign you Council. If we should record your refusal, you would be judged to stand Mute, and Sentence would pass upon you.

Colledge. If I have a Priviledge in Law as an *English-man*, I will not forfeit it, if I can help it, for any thing in the world. Therefore I desire I may have my Papers again, that I may see if I can plead any thing in Law; for if I have a Priviledge by the Law, before I will forfeit it, you shall do what you please with me.

L. Ch. Just. You'll have the advantage of all that matter that is in your Papers after you have pleaded, if there be any advantage.

Colledge. Pray my Lord, order me my Papers that were taken away from me.

L. Ch. Just. They were not taken away by me.

Colledge. They were taken away by the Keeper, under pretence to bring them to your Lordship.

L. Ch. Just. I know not how you came by them. There came one to me last night that is a Common Solicitor, one *Sam Smith*, and desired he might have liberty to go and speak with the Prisoner. I told him, I did not understand till he were assigned by the Court, that any could justifie Solliciting for a man that is accused of High Treason, nor could any be of Council till they were assigned: for a defence against Treason ought to be by plain matters of Proof and Fact, and not by Artificial Cavils. But if you will propose any thing of substance as a matter in Law which the Court shall think fit to be argued, propose it, and then we will assign you Council.

Colledge. Is it not my right, that I ought to have a Copy of the Jury?

L. Ch. Just. Look you for that now, you cited the Opinion of the Judges of the *Kings Bench*. My Brothers two of them that are here who are Judges in that Court, say, they know nothing of any such matter: but I must tell you, you have Liberty by Law to challenge 35. by your sight peremptorily without shewing Cause. They are bound to look upon you when they come to be sworn, and if you have any just Cause, you may except against as many more as you will. But now we that proceed upon a Commission of Gaol-delivery, are to proceed with expedition; there are no particular men designed for a Jury that I know of. But when you have pleaded, we shall award the Sheriff to impanel a Jury.

Colledge. If the Law allows me the Liberty of Challenging, it does intend it me that I may challenge those persons that I think will do me no Justice, but where they are strangers unto me, if I can have no Information about any of them by my own Inquiry or my friends, I may challenge my friends as well as my foes: and should there be any person that has a prejudice against me, and I not know it, he may chance to be one.

L. Ch. Just. I hope they will be neither friends nor foes, but true men.

Colledge. I know not that my Lord.

Mr. Just. Jones. This that you say as to a Copy of the Jury is unreasonable. There is no Jury, nor can be awarded till you have pleaded. There must be first Issue joyned; and that cannot be but upon your Plea of Not Guilty. Therefore you must plead first, and then say all you will.

Cl. of Cr. Are you Guilty or not Guilty?

Colledge. My Lord, may not I have a Pannel of the Jury?

Mr. Just. Jones. There is no such thing in being.

Colledge. I know not what to say to it; pray my Lord, let me have my Papers.

Cl. of Cr. You have heard the Opinion of the Court, you must first plead.

Colledge. I cannot plead first. I must lose my life if I must; I neither know who accuses me, nor what it is they accuse me of: 'tis impossible I should defend my self, if I have not my Papers.

L. Ch. Just. We know not what Papers you mean.

Colledge. The Gaoler took them from me, and one of the *Kings Messengers*. Pray my Lord, will you order them to be returned to me again: Let me but see whether I have any right or no, and whether I have any thing to plead or no: When I have perused my Papers, I will propose it as well as I can to you. Pray my Lord, let me have a fair Tryal.

L. Ch. Just. We promised you a fair Tryal, but you must put your self upon that Tryal by your pleading.

Colledge. I cannot do that without my Papers, my Lord. Let me but have them again, and I will not delay your time at all.

L. Ch. Just. You can tell whether you are Guilty or Not Guilty, can't you?

Colledge. If I have a Plea in Law against the Indictment, I hope you will not hinder me of that which is my right. It is possible the Indictment does not lay it right, either as to the matter of Treason, or as to the place.

Mr. Just. Jones. That is upon the Issue of Not Guilty upon your Tryal. If there be not matter of fact, or words proved that are Treason in this place, you will have the advantage of it upon your Tryal.

Colledge. I know not, my Lord, but that the Indictment does mention something of Treason, and something of Misdemeanour.

Mr. Just. Jones. That which is Misdemeanour, won't amount to a proof of the Treason upon the Tryal.

L. Ch. Just. If they prove no Treason against you here, but only Misdemeanour, I do not understand that the Jury can find you Guilty of that Misdemeanour, for 'tis another Crime, and there is another sort of proceedings for it. In Misdemeanour, there are no peremptory Challenges; in Misdemeanour Council is not allowed for the Prisoner, but not in Treason.

Colledge. Pray my Lord, be pleased to order me my Papers again: I know not what to say without I have the assistance of my Papers: when I have them, I shall be ready to plead presently according as I shall find I may by Law. This I am sure, I have done nothing, nor said nothing of Treason, and I pray for nothing but Justice, and that which is my right. This is a most horrid Conspiracy to take away my life; and it will not stop here; for it is against all the Protestants in England.

L. Ch. Just. Mr. Colledge, you do not only ride, but run out into very great Extravagancies. Who has any Conspiracy against your life? You shall be allowed to give in Evidence any thing of any Conspiracy against you, or Contrivance against you when you are upon your Tryal. Now the Question is, Are you Guilty or Not Guilty? I see no use of Papers that you can have as to the Plea.

Mr. J. J.

Mr. Just. Jones.

Mr. Just. Jones. You will run into Danger by spending of time.

Colledge. Pray my Lord, Order me my Papers, they are in the Hands of Mr. Murrell the Goaler, and Sewell the Kings Messenger.

L. C. J. When you have Plead, we will take it into Consideration.

Colledge. My Lord, it may be too late then.

L. C. J. 'Tis a plain matter before you, whether you be Guilty or no. You know what to Answer.

Colledge. I will give a direct Answer, after I have my Papers again.

Mr. Just. Jones. You can give an Answer to that, without Papers.

L. C. J. Consult with your own Heart, and there you may receive an Answer to that Question.

Mr. Att. Gen. Mr. Colledge; can any body tell whether you be Guilty or no, better then your self?

Mr. Just. Jones. If you expect any Papers, they ought to be framed by your self; for by Law, none can advise you what to Plead.

Colledge. I don't expect it in matter of Fact, but if matter of Law arise.

Mr. Just. Jones. But this is a matter of Fact, and therefore you may Plead Not Guilty, as well without your Papers, as if you had them.

Colledge. But if there be any matter of Law, that I ought to have the Advantage of.

Mr. Just. Jones. Then you ought to have no Advice, till they be assigned by the Court: For by the Law, neither Counsel nor Advice are allowable to you, till the matter has been proposed, and the Court think fit to assign you Counsel.

Mr. Just. Levinz. You talk of the Priviledge of an English man; you have all the Priviledges of an English man: You are here brought to an open Tryal, according to the Law, and by that Law you must Plead. Now if a Man be Indicted for High Treason, he is bound to Plead either Guilty or Not Guilty, unless he has a matter in Law to excuse him from that Plea, which must be proposed to the Court, and then Counsel will be assigned, and if so be matter of Law arises upon any Evidence that is given against you at the Tryal, you may demurre upon that Evidence, and pray Counsel of the Court to argue that demurrer, and they will not deny you, but I think you must Plead presently.

Colledge. I suppose other Persons that have been tried, have had Counsel before they have Plead.

Mr. Just. Jones. But never before the Matter was proposed to the Court.

L. C. J. It was so in the Case of my Lord Stafford. The Court made him propose his matters in Law, and so it was in Lilburne's Case. He did insist upon a great many matters in Law, and had the Books there himself.

Colledge. I am wholly Ignorant of the Law, my Lord.

Mr. Serj. Jefferies. Your Lordships are the Judges of Law in this Case. The Question here in thort, is whether the Prisoner be Guilty or Not Guilty, and that being demanded of him by the Court, if he refuses, let him take the Consequence of it.

Colledge. What is that, pray Sr. George?

Mr. Att. Gen. Judgment of High Treason. For if a Person stand mute, and will not Plead to an Indictment of High Treason, the common Judgment of Pressing to Death must not pass upon him, but an Attainder of High Treason.

Colledge. Well if it be so, I cannot help it. I thank God I am Innocent of any Treason, or any such thing.

L. C. J. Why don't you Plead, Not Guilty then.

Colledge. I do not refuse to Plead, I am willing to Plead with all my Heart, if I may have my Right.

Mr. J. Jones. If you do not Plead, you do refuse to Plead.

Colledge. Pray my Lord, let me have my Papers.

Mr. Att. Gen. Pray give the Court an Account, where had you those Papers.

L. C. J. Nay, we will not enter into any Examination of that matter now Mr. Attorney; he can have no use of Papers to see whether he should Plead Guilty or Not Guilty.

Mr. S. Jef. We know nothing of those Papers, we desire he may answer to the Question shortly whether he be guilty or Not Guilty, if not, we pray your Lordships judgment.

Colledge. I had them not all from one Person, they were received from my own

hands some of them in the Tower, and being brought back to me they were taken from me to day, let me have but one of them : the Paper of Instructions in point of Law that I may know what is my right, I would not throw away my Life, if I have any thing that is my right that can preserve it.

L. C. J. You are to give a plain Answer, whether you are Guilty or Not Guilty, now for that you have no use of Papers : For you can best tell whether you be guilty or not. If you can propose any matter of Law that you can have to plead, do it.

Colledge. If I have any Plea, that I may Plead besides Not Guilty, I desire I may have my Papers to consider of it, and that I may have Counsel assigned me.

L. C. J. If you have any such Plea, tell us the Matter and the Substance of it.

Colledge. I do not know what really are matters of Law, if I had those Instructions that are in my Papers, I could give you a direct Answer presently.

L. C. J. You ought not to have any advice to decline your Tryal : When you propose matter of Law your self, you may have advice upon it. But you ought not to have advice to decline your Tryal before-hand.

Cl. of Cr. Are you Guilty, or Not Guilty?

Colledge. Mr. Attorney, pray let me have a Copy of the Indictment.

Mr. Att. Gen. Apply your self to the Court for it, we must receive our Directions from thence.

L. C. J. You have had the Opinion of the Court you can't have it.

Mr. Just. Levinz. You have been told nothing can be received from you, but a Plea of Guilty or not Guilty, and the Court have given you their Opinion, and that you cannot have a Copy of the Indictment, nor Counsel assigned you, till you offer something for them to be assigned upon.

L. C. J. And that was it which was done, in the King's Bench in the Case of *Fitz Harris* which I suppose you meant when you spake of the Judges Opinions.

Mr. Just. Jones. Nothing was done there till he himself assigned the matter in Law that he would Plead, and then Counsel was assigned him.

Mr. Serj. Jeff. Mr. Colledge was in the Court at that time, and can tell what was done.

L. C. J. If you desire the Indictment read over again Distinctly that you may have.

Mr. Att. Gen. Ay, with all my heart.

Colledge. Pray let me hear it again my Lord if you please.

L. C. J. Read it over again to him, and read it Distinctly.

Cl. of Cr. Thou art indicted by the name of *Stephen Colledge* late of *Oxon* in the County of *Oxon* Carpenter, as a false Traytor.

Colledge. I have observed one thing already, my Lord, I pray I may have Pen and Ink.

L. C. J. Ay give him Pen and Ink, let him make what Observations he can.

Then the Clerk read the Indictment through.

Cl. of Cr. Art thou Guilty of this high Treason or not Guilty?

Colledge. This Indictment, If I understand it, says, there was a Plot and Conspiracy by me and others, now I know when my *Lord Stafford* was tryed they did proceed to prove, first, that there was such a Plot, and then that my Lord was Guilty of it; first, that there was such a Conspiracy by the Papists, is it not requisite they should, first, prove such a Plot and Conspiracy there was, before they go to prove me Guilty of it.

Mr. Just. Jones. What before you have pleaded?

L. C. J. When you have pleaded the next thing is to try you, and to give the Evidence, but what way the Kings Council will take to manage your Tryal, that we can't tell.

Mr. Just. Jones. But they are not to be directed by you Mr. Colledge.

Colledge. It was so done I say in my *Lord Stafford's* Case.

L. C. J. He pleaded first however, you have not yet pleaded.

Cl. of Cr. Are you Guilty or not Guilty?

L. C. J. Do not trifle any longer, 'tis a Plain matter and requires a very short and Plain Answer.

Colledge. Your Lordships are my Counsel as well as my Judges, and I do desire if I have any right to plead any other matter, you will be pleased to declare it to me, for

for I am ignorant in the Law.

Mr. Just. Jones. We have declared our Opinion already, that you have no right to have any Solicitor or Counsel, till matter of Law do arise.

Colledge. Is it your Lordships Opinion, that I have no Plea in Law?

Mr. Just. Jones. Have you no Plea in Law?

L. C. J. He would have our Judgment, whether there be any or no.

Mr. Just. Jones. You your self know best, we know nothing you have to Plead.

Colledge. I cannot unless I have Counsel, and my Papers.

L. C. J. There does nothing appear to us.

Colledge. I know nothing of the Law.

L. C. J. Then Plead Not Guilty, that is a ready Plea.

Mr. Just. Jones. You have heard our Opinion over and over again. You have as much Counsel as is allowed in these Cases, for every man is best Judge of his own Case, what to Plead, whether Guilty or Not Guilty; you have had as fair Play as ever any man had.

Mr. Att. Gen. Mr. Colledge has said, he knows of no Plea in Law he has, and therefore there is none, for *de non Apparentibus, & non Existentibus*, the Reason is the same.

L. C. J. In matter of Fact, there is no Plea but Not Guilty.

Colledge. The Court are Judges in matter of Law, and they are my Counsel.

Mr. Just. Jones. And the Court have all of them declared they know of nothing in Law that you have to Plead.

Colledge. Is not Counsel to be allowed to one under my Circumstances?

L. C. J. If you have anything for Counsel to be assigned upon, you shall have them.

Colledge. If I am Ignorant of that, and cannot Propose it, shall I not have the Assistance of Counsel.

Mr. Just. Jones. No, we have told you the Law Plainly, and that which is frequent in Practice in like Cases, and you must be contented with the same Measure.

Colledge. My Lord, I am Ignorant of the Law.

L. C. J. Then rely upon the fact and plead Not Guilty.

Colledge. But if I have a right to any point in Law let me have it.

Mr. Just. Jones. You have a right if you will propose any matter of Law, but we cannot propose it for you.

Mr. Att. Gen. Mr. Colledge, no man ought to propose your Plea for you, *Ignorantia juris non excusat*.

Colledge. Shall my Ignorance destroy me, Mr. Attorney?

Mr. Sol. Gen. You have heard the Opinion of the Court, you have a right to propose any other Plea that you can your self, but you have no right to ask Counsel before you have pleaded.

Mr. Serj. Jefferies. If Mr. Colledge have such a thing as a Solicitor, I shall crave leave to put that Solicitor in mind of the Case of one that was indicted of High Treason for Soliciting for one that was accused of High-Treason.

Mr. Att. Gen. We shall talk of that by and by?

L. C. J. The same methods are used in your Case, as are in all Cases of the like nature, as far as my knowledge reacheth.

Colledge. If I have a right to the Law I must not lose it for my own Ignorance of the Law, but if you deny me both my Counsel and my Papers, you take away the means of my coming to that right, and make me incapable of making my defence.

L. C. J. You have been told you must plead before you do any thing.

Colledge. This is the Person, (pointing to a Person by him) that had the Papers. Be pleased to command him, that I may have them again; He said he had Order to take them from me, and bring them to your Lordship.

L. C. J. I know of no use you could have of any Papers, to Plead Guilty or not Guilty.

Mr. Sol. Gen. If there be in those Papers Advice in matters of Law, that you have been told you ought not to have, till the Court has Assigned you Counsel to give you Advice.

Colledge. Then if there be a Right in Law, and a Priviledg which I ought to have. I must lose it by my being Ignorant of it, and have no one to Advise me about it neither.

L. C. J. You may propose it, if you have any, if not you must Plead to the Indictment.

Mr. Serj. Jefferies. My Lord, it has not been usual for us, that are of the Kings Counsel, to enter into Dialogues with Prisoners at the Bar. The first thing that is to be done in such Cases, is for the Prisoner to Plead Guilty, or Not Guilty, or to offer something to the Court that may be a matter in Law fit to be debated; and this we pray may be done in this Case, and that the Prisoner may Plead presently, or else we desire your Judgment.

Colledge. Pray let me have my Papers again my Lord.

L. C. J. You go in a Circle, and run round from one thing to another, and will receive no Answer. We have told you our Opinion, and we must tell you, that that you hold long Discourses, yet you will be Judged lost and mute if you Plead not a Legal Plea. Therefore you must Plead Guilty, or Not Guilty, or offer something that may be a Plea in Law, and then you shall have the Assistance of Counsel, but you must have none till then.

Colledge. But shall I not have my Papers my Lord?

L. C. J. We know nothing of them.

Colledge. Pray my Lord order the man to give them to me, that took them from me.

L. C. J. We will order no such thing. He may be a Criminal perhaps that did give them you at first; but when you have pleaded we will hear any Motion you will make about them.

Colledge. It may be I ought to plead that the words were spoke in another place, then the place lay'd in the Indictment.

L. C. J. You will not need to plead any such thing, for if there be nothing proved of Treason that you said or did in *Oxfordshire* you must be found Not Guilty.

Colledge. Here is another thing my Lord; I am indicted by the name of *Colledge Carpenter*.

L. C. J. What then?

Colledge. I am not a Carpenter, but a Joyner, Is that any Bar to it?

L. C. J. The addition signifies nothing, I do not know any difference betwixt a Carpenter and a Joyner in Law.

Mr. Just. Jones. They might have indicted you by the name of Labourer and it had been good.

Colledge. Pray my Lord either give me my Papers or assign me Counsel, or else I may throw away my Life for I am wholly Ignorant of the Law.

L. C. J. When you have pleaded we will hear any Motion you will make and do that which is just upon it: but I see no use you can have of Papers to plead Guilty or Not Guilty, which is the only Question is asked you.

Cl. of Cr. Are you Guilty, or Not Guilty?

Colledge. Will you promise me my Lord, there shall no Advantage be taken against me, if I do Plead so?

L. C. J. We will make no Bargains with you. Plead as you ought by Law to do.

Colledge. If matters of Law arise, shall I have Counsel to speak to them?

Mr. Just. Jones. Yes you shall, you need not doubt it. Propose any matter now fit to be argued, and you shall have Counsel to it.

Colledge. I am not capable of doing it. I know not when I have any right.

Mr. Just. Jones. The Court is of Counsel to you.

Colledge. If you are my Counsel, then have I any Plea in Law to make?

Mr. Just. Jones. You have heard the Indictment Read, what say you? For you must propose the matter.

L. C. J. We know of none but Guilty, or Not Guilty, if you can tell of any do.

Colledge. I pray I may have my Papers again; if there be no other Plea for me, pray let me have my Papers again.

L. C. J. You have heard the Opinion of the Court, you must Plead.

Mr. Att. Gen. Certainly *Mr. Colledge*, you can't be Guilty of these things, you need not to scruple it, to plead Not Guilty sure.

Colledge. My Lord, having been kept a Prisoner, as I have been, without Pen, Ink, or Paper, no Conversation with my Friends, no Knowledge of the Fact, and being Ignorant

Ignorant of the Law, not knowing where I have a right, nor when I have a right, if you do force me upon this Plea and it cost my me Life, at your Doors I ye it.

Mr. Just. Jones. You will lose your Life, if you do not Plead, if you plead Not Guilty, and are not proved Guilty you will save your Life by this Plea.

Colledge. I am willing to plead what the Law requires of me to Plead, and if I have a right in Law I would not lose it.

Cl. of Cr. Are you Guilty or Not Guilty?

Colledge. Why, then as they have lay'd it in that Indictment in manner and form as 'tis there lay'd, I am Not Guilty.

Cl. of Cr. Culprit, by whom wilt thou be tryed?

Colledge. By God, and my Country.

Cl. of Cr. God send thee a good deliverance,

Mr. Just. Jones. Not Guilty is his Plea?

L. C. J. Now he has pleaded Mr. Attorney; He speaks of some Papers, if there be any Memorandums or any thing that must assist him, that is necessary for his defence in his Tryal in those Papers; it will be hard to deny him them.

Mr. Att. Gen. If your Lordships please to give me leave, I will give you an account of them. The messenger just now, did deliver these Papers to be delivered to the Court.

Colledge. Pray speak out Mr. Attorney, and let me hear.

Mr. Att. Gen. When he came to Prison he had none, but Mr. Aaron Smith, the Messenger informed me, did deliver them to him.

L. C. J. Whose hand-writing are the Papers in?

Colledge. He received them from me in the Tower.

Mr. Just. Jones. You received them from him first.

Colledge. No?

Mr. Att. Gen. What were the Papers you delivered to him in the Tower?

Colledge. The three pieces joyned together that contains Directions how to Govern my self, there is another of the same purpose which instructs me to demand a Copy of the Indictment, and of the pannel of the Jury, and those were Instructions to tell me what the Law allows me.

Mr. Att. Gen. Here is a Speech made for you that begins thus. *Before you Plead, speak to this Purpose.* Pray my Lord I desire that may be Examined, and Mr. Smith may be called to give an Account how he came to give the Prisoner those Papers; for here are abundance of Niceties proposed for him to move, and there will be a strange sort of Proceedings at this rate, if men go about to espouse the Cause of Traytors.

Colledge. I am noe Traytor, Mr. Attorney.

Mr. Att. Gen. You stand indicted of High-Treason.

Colledge. That is by a Grand Jury made up that Morning, as I am Informed.

Mr. Att. Gen. Here is a List of the Names of several men, of the Country returned to be of the Jury, and particular marks set upon them, who are good men, and who bad men, and who moderate men.

Colledge. Ought I not to have that Paper my Lord?

Mr. Att. Gen. No I hope not.

L. C. J. Whether they are Material or not Material, If we should judge them not Material for his defence, yet it will look like an hard point upon the Prisoner, and to deliver them into an hand that they may be carried away or stifted, in Case there were a Crime in the delivering of them that would not do well on the other side: Therefore I would have these Papers put into some safe hands, that what may be for the Prisoners use he may not want, and yet they may not be taken away, if there be occasion to use them upon another Account.

Mr. Att. Gen. But if it please your Lordship, I desire you would enter into the Examination of this Matter; for I have an Account from London by a special Messenger that there are several Persons that go up and down to procure Witnesses against the Kings Evidence, making it a publick Cause; and here my Lord, another Paper which is a List of men as Witnesses picked up together against the King's Witnesses.

L. C. J. He must have that, deliver him that presently.

Mr. Att. Gen. But my Lord others have gone about and framed Witnesses for him.

L. C. J. You must give him the List of his Witnesses, for I see not what use you can make of it.

Mr. Serj. Jefferies. This no man will oppose sure, if any thing that is delivered to him be fit to be delivered, the Person that delivers it must come and own it; but before any Person delivers any Papers to the Prisoner, for him to make use of against the Kings Evidence, we desire to know what those Papers mean, and who gave them.

L. C. J. Look you Brother, we will have nothing of heat till the Tryal be over, when that is over if there be any thing that requires our Examination it will be Proper for us to enter into the Consideration of it. But in the mean while what hurt is there, If the Papers be put into some trusty hands, that the Prisoner may make the best use of them he can, and yet they remain ready to be produced upon occasion, if a man be speaking for his Life tho he speak that which is not material, or nothing to the purpose that will be no harm to permit that.

Mr. Serj. Jefferies. With Submission my Lord, that is assigning him Counsel with a Witness.

Mr. Att. Gen. If people are permitted to go up and down and ask Counsel of Persons and bring it in Papers to the Prisoner, 'tis the same thing as if Counsel came to him. Here is a busie Solicitor and he gets advice from Counsel and then he delivers it to the Prisoner, 'tis the first of the kind certainly that ever was allowed; and if this be not to assign him Counsel, I know not what is.

L. C. J. What think you of our perusing the Papers?

Mr. Att. Gen. With all my heart my Lord.

Colledge. If you take away all helps from me, you had as good Condemn me without a Tryal.

Mr. Att. Gen. You ought not to have helps to Plead dilatories.

Colledge. Not to help me to my right in Law?

Mr. Att. Gen. We are to go upon the Fact now: And my Lord I pray your Judgment about them, when you have perused them.

Then the Judges looked upon that Paper that was called the Speech.

L. C. J. We have read enough of this to suppress it, and to examine it how this came to his hands.

Mr. Just. Jones. Where is *Aaron Smith*?

Mr. Att. Gen. My Lord, here is another that is worse then that, charging the Justice of the Nation. Pray call *Mr. Aaron Smith*, and *Mr. Henry Starkey*.

Mr. Smith appeared.

Mr. Att. Gen. *Mr. Smith*, did you deliver these two Papers to the Prisoner?

Mr. Smith. Doe's any body accuse me that I did?

Mr. Att. Gen. You are accused for it.

Mr. Smith. I desire proof may be made against me.

Mr. Att. Gen. That will be done.

L. C. J. Look you we will not interrupt the Tryal with it, *Mr. Smith* must be taken into safe Custody only to secure him, till we can examine it not as charged with any Crime, but only that he may be forth-Coming to be Examined.

Mr. Att. Gen. You do not make a direct Answer *Mr. Smith* in the Case, it will be proved upon you.

Mr. Smith. *Mr. Attorney*, I know not what Answer to make better then I have given; our Law says no man is bound to accuse himself.

Mr. Att. Gen. But our Law says, you shall be Examined.

Mr. Smith. I come to give no Informations here *Mr. Attorney*: If I did I should be then Examined.

Mr. Att. Gen. Here are Instructions given to the Prisoner, they say you gave them.

Mr. Smith. I desire to have it proved.

L. C. J. *Mr. Attorney*, you will take a Recognizance of *Mr. Smith*, to be forth-Coming during this Sessions.

Mr. Smith. I will not depart my Lord I assure you: And I hope *Mr. Attorney* will take my word.

Mr. Att. Gen. Indeed I will not *Mr. Smith*, because you have broken it with me already, when I gave you Leave to go to the Prison, I did not think you would have abused

abused that Kindness, to give him Papers.

L. C. J. Well, take his Recognizance.

Mr. Smith. 'Tis high time to have a care, when our Lives and Estates, and all are beset here.

L. C. J. What do you mean by that *Mr. Smith*?

Mr. Smith. I said it not, meaning by it the Court, for I declare I abhor that Expression to be so interpreted, that I reflected upon the Court.

L. C. J. Why do you use such loose Expressions then *Mr. Smith*?

Mr. Smith. Because I have been threatened since I came to Town, tho I have not spoke one Word in any publick Company since I came.

Mr. Just. Jones. It seems you will reflect here in the Face of the Court, and in the Face of the Country, upon the Government, upon the Justice of the Kingdom.

Mr. Smith. No my Lord, I have told you what I meant by it; I neither reflected upon the Court, nor upon the Government, nor upon the Justice of the Kingdom.

L. C. J. You should have done well, to have forbore such Expressions as those were.

Colledge. Shall I not have the Use of the Papers my Lord: Will you not please to deliver them back to me, now you have perused them?

Mr. Just. Jones. One of them is a Speech, and a most seditious libellous Speech, to spit Venom upon the Government in the Face of the Country. We cannot tell who made it, but it seems to be beyond your Capacity: And therefore we must enquire into it, but we do not think fit to let you have the use of that Paper.

L. C. J. For that which contains the Names of the Witnesses, that you have again: For the other matters, the Instructions in point of Law, if they had been written in the first Person, in your own Name, that we might believe it was your Writing, it would have been something; but when it is written in the second Person, you should do so and so; by which, it appears to be written by another Person; it is an ill Precedent to permit such things; that were to give you Counsel in an indirect Way, which the Law gives you not directly.

Colledge. If I am ignorant what Questions to ask of the Witnesses, shall not my Friends help me my Lord?

L. C. J. We will sift out the Truth as well as we can, you need not fear it.

Colledge. Some of those things I took out of the Books my self. And if you are resolved to take away all my Helps, I cannot help it, I know not that *Mr. Smith* wrote one of those Papers.

Mr. Att. Gen. But *Mr. Smith* would have given four Guineys it seems, as a Bribe, to the Goaler, and he offered four more to let him have liberty to come to him.

Mr. Serj. Jefferies. 'Tis time indeed for *Mr. Smith* to have a Care.

Keeper. It was *Mr. Starkey* that offered me the four Guineys.

Mr. Att. Gen. Pray call *Mr. Henry Starkey.* (But he did not appear.)

Then the Court took a Recognizance of 100*l.* of *Mr. Smith* to attend the Court during the Session.

Colledge. Pray my Lord, let me have my Papers delivered to me, I cannot make my Defence else.

L. C. J. We are your Counsel in matter of Fact, and to give you your Papers were to assign you Counsel against Law, they being not your own Papers, but coming from a third hand.

Colledge. Will you please to give me the Paper that has the Questions in it, to ask the Witnesses.

L. C. J. There are no Papers with any particular Questions to any one Witness, but only Instructions how to carry your self in this Case.

Colledge. A great deal of it is my own my Lord.

L. C. J. *Mr. Attorney*, truly I think that that doe's not Contain matter of Scandal may be Transcribed and given to the Prisoner.

Colledge. My Lord, I desire I may have that, that has in the Margent of it, the Case of *Lilburn* and *Stafford*.

Mr. Just. Jones. You shall not have Instructions to Scandalize the Government, all that is necessary for your defence, you shall have.

L. C. J. If he had writ it himself I cannot well see how you could take it from him, and truly as 'tis, I had rather let him have too much, then too little.

Colledge. My Lord, I thought I might have had Counsel to have assisted me, but if

I may have Counsel neither before my Plea nor after, I that am an Ignorant may be lost by it, but can't help it.

L. C. J. If matter of Law arise you shall have Counsel it.

Colledge. I know not but it might have admitted of an Argument, that which if I had had my Papers, I should have offered to you.

L. C. J. Mr. *Colledge*, we shall not go any farther now, I know not how many Witnesses will be produced either of one side or another, but 'tis too late to go on this Morning, and because we attend here only upon this Occasion, we shall go on with the Tryal at two a Clock in the Afternoon.

Colledge. My Lord, You will be pleased to order the Papers for me to Peruse in the mean time.

L. C. J. We have ordered that you shall have a Transcript of the Paper of Instructions, leaving out that which is Scandalous.

Colledge. I desire I may have a Copy of the whole.

Mr. Just. Jones. No, we do not think fit to do that.

Colledge. Pray let me know which you do except against.

L. C. J. Look you Mr. Attorney, I think we may let him have a Copy of the whole.

Mr. Att. Gen. My Lord, before you rise, I desire you would please to take the Examination of Mr. *Gregory*, about Mr. *Starkey*.

L. C. J. Swear him. (*Which was done.*)

Mr. Att. Gen. What do you know concerning Mr. *Starkey*, and what he did offer you?

Gregory. When they came by your Lordships Permission to Mr. *Colledge*, they brought some Papers which they delivered to him: And afterwards Mr. *Starkey* took me aside, and told me it was hard Usage that the Prisoner could not have his Counsel permitted to come to him. Do him what Favour you can, and I shall not be Ungrateful, so he clapped four Guineys in my hand, but I immediately laid them down upon the Table, and would not take them.

Mr. Att. Gen. My Lord, I desire you would please to send for Mr. *Starkey*?

L. C. J. Let him be sent for. *Cl. of Cr.* You must go and take up Mr. *Starkey*.

Messenger. Must I keep him in Custody? I don't know him.

Cl. of Cr. No, you must order him from the Court to attend here.

Mr. Just. Jones. These Papers *Colledge* shall not be debarred of, for his Defence, nor you Mr. Attorney from prosecuting upon them.

L. C. J. No, we will put them into such Hands as shall take Care about that.

Colledge. Very few my Lord, have appeared to do me any Kindness, some have been frightened and imprisoned, others are now in Trouble for it.

L. C. J. Well, you shall have the use of your Papers.

Colledge. May I have any Friends come to see me in the mean time?

L. C. J. They must not come to you in the Prison, to give you advice; but I'll tell you since you move it, if my Brothers think it convenient, whilst the Court does withdraw, any body of your Friends may come to you, in the Presence of your Keeper.

Mr. Just. Jones. Certainly you cannot think you can give a Priviledg to any Friend of yours, to commit any Demeanor to offer Bribes to any Person.

Colledge. I know not of any such thing.

Mr. Just. Jones. We do not charge you with it, but Mr. *Starkey* did.

Colledge. I have been kept a strict close Prisoner, and if my Friends are so kind to me, as to help me in order to my Defence, I hope you will not be against it. Pray my Lord let me have my Papers?

L. C. J. You shall have them, but they shall be put into such Hands as the Court may have command over; they shall be in the Sheriffs Sons Hands, and you shall have the immediate Use of them.

Colledge. If there be any thing else in those Papers necessary for my Defence, I pray I may have it.

L. C. J. The Speech is not fit for you, what other Papers would you have?

Colledge. Another Paper there is, that is something of Law.

Mr. Just. Jones. Nothing but libellous, and what is a Scandal to the Government.

Mr. Att. Gen. You are to have nothing of matter of Law, but what you are to propose your self.

Colledge.

Colledge. If you take away all my helps I cannot propose any thing.

Mr. Serj. Jefferies. To allow you those papers is to allow you Counsel by a side Wind.

L. C. J. Look you the papers of instructions shall be delivered to the Sheriff's Son, who shall let you peruse it in this interval and make use of it in your Tryal, but it must be in safe custody to be used upon further occasion as the Kings Attorney shall think fit.

Then the Court adjourn'd till 2 in the afternoon.

Post meridiem. At 2 a clock the Court returned, and Proclamation was made for attendance, and for the Under-Sheriff to return his Jury.

Colledge. My Lord, ought not I to have a Copy of this Jury?

L. C. J. No, they are to look upon you as they come to be sworn, and then you are to challenge them.

Cl. of Cr. Stephen Colledge, hold up thy Hand, and hearken to the Court; those good men that you shall hear called, and personally appear, are to pass, &c.

Colledge. Pray Sr. let the way be clear, that I may see them.

Cl. of Cr. Ay, Ay.

Colledge. Pray Sr. how many are there of the Jury that appear?

Mr. Att. Gen. There are enough.

Cl. of Cr. Make Proclamation for Information (*which was done.*)

Cl. of Cr. Henry Standard, (who was Sworn.) *Richard Croke* (who was challenged by the Prisoner.) *William Bigg* (challenged.)

Mr. Just. Jones. Do you challenge him Peremptorily, or with Cause?

L. C. J. If he do not shew Cause, it must be supposed it is Peremptory.

Colledge. I suppose he was upon the Grand-Jury.

L. C. J. That would be a Challenge with Cause.

Mr. Bigg. No, I was not.

Colledge. Then I do not challenge him; I know him not. (*he was Sworn.*)

Cl. of Cr. Thomas Marsh, (challenged.) *Thomas Martin,* (did not appear.) *Gabriel Merry,* (being almost a hundred years of Age, was excused.) *Robert Bird,* (Sworn.) *John Shorter,* (Sworn.) *William Windlow,* (Sworne.) *Edward Ayres,* (Challenged.) *William Ayres,* (Challenged.) and *Richard Ayres,* (Challenged) *Charles Hobbs,* (Sworn.) *Roger Browne,* (Sworn.) *Timothy Doyley,* (Sworn.) *Richard Dutton,* (Challenged.) *Ralph Wallis,* (Sworn.) *John Nash,* (Challenged.) *John Benson,* (Sworn.) *John Peirce,* (Sworn.) *William Webb,* (Challenged.) and *John Lawrence,* (Sworn.)

Then they were counted, and their Names in Order, thus

<i>Henry Standard</i>	}	{	<i>Roger Browne</i>
<i>William Bigg</i>			<i>Timothy Doyley</i>
<i>Robert Bird.</i>			<i>Ralph Wallis</i>
<i>John Shorter</i>			<i>John Benson</i>
<i>William Windlow</i>			<i>John Peirce</i>
<i>Charles Hobbs</i>			<i>John Lawrence.</i>

L. C. J. Mr. Sheriffe, there are a great many of the Jury that are not Sworn, they are discharged, let them go out of the Court, and so you will make Room for the Witnesses.

Cl. of Cr. Gentlemen, you of the Jury, look upon the Prisoner, and hearken to his Charge. He stands Indicted by the Name of *Stephen Colledge,* late of *Oxford,* in the County of *Oxford* Carpenter, for that he as a false Traytor, &c. Proved in the Indictment, *Mutatis Mutandis,* and upon this Indictment he hath been Arraigned, &c.

Mr. North. May it please your Lordship, and you Gentlemen that are Sworn, this is an Indictment against *Stephen Colledge*, the Prisoner at the Bar, for an Endeavour to raise a Rebellion within this Kingdom wherein he is accused, and the Jury find that he as a false Traitor against the Kings Majesty, contrary to the duty of his Allegiance, on the 10th. of *March*, in the 33d. year of the Kings Reign, at *Oxon* here did trayterously Conspire, and Compass the Death of the King, and the Subversion of the Government, and to raise a Rebellion in the Kingdom, and to slaughter his Majesties Subjects, to put the King to Death, to Levy War against him, and to deprive him of his Royal State and Government, and to alter the Government at his own Will and Pleasure, and to accomplish this, he did at *Oxon* here prepare Arms for the carrying on the War, and excited one *Edward Turberville* and others, to arm themselves against the accomplishment of this Design, and did declare his purpose was to Seize the Kings Person at *Oxon*, and that he was one of those that was to do it; and to bring the said *Turberville* and other Subjects to his purpose, did Falisly, Malitiously, and Trayterously declare in their Hearing, that there was no good to be expected from the King, that he minded nothing but the Destruction of his People, and Arbitrary Government, and to introduce Popery. And this is laid to be against the Duty of his Allegiance, against the Kings Peace, and against the form of the Statutes in those Cases made and provided. The Prisoner you hear upon his Arraignment hath pleaded Not Guilty, which Issue you are to try, and if the Evidence for the King, which are ready to be produced, prove that which is laid to his Charge, you are to find it accordingly.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of the Jury. The Prisoner at the Bar stands Indicted of a very high Crime, no less then High Treason, and that too of the deepest Dye; it is for an Endeavour to destroy the King, to subvert the Government, to raise a Rebellion amongst the Kings Subjects. And Gentlemen, those Instances that we shall give you, and produce our Evidence to for the Proof of that, are these. He laid his Design to Seize the King at *Oxon*; and he did not want his Accomplices to do it, but they were not Men, Gentlemen, that were Protestants, but Men that were Rebels in the late War, they were men of such a Kidney, that he associated himself with, and these were the Persons that were to assist in this Attempt. In order to this he had prepared Arms in an extraordinary manner, Arms of a great Value. for one of his Condition, who is by Trade a Joyner; for if a true Estimate were taken of the Value of the Arms, I believe they were worth twice his whole Estate; he prepared a good Horse, extraordinary Pistols, a Carbine, a Coat of Maile, an Head Piece, and so being armed Cap a-Pee, with that Design he came hither to *Oxon*. And you will judge whether these be fit Tools for a Joyner.

Colledge. I beseech you Sr. have you any body to prove this? If you have not, you do hurt to the Jury as well as me, to speak it.

L. C. J. Be patient *Mr. Colledge*, and let *Mr. Attorney* go on to open the Charge. I will tell you and the Jury too, that what he saies further then he makes good by Proof and Witnesses, will serve for nothing.

Colledge. 'Tis hard the Counsel should plead against me, and open things that he cannot prove.

L. C. J. I will do you all the Right Imaginable, and therefore I do tell you again; if they do not prove it, all he saies is nothing.

Colledge. But I beseech you my Lord, since there hath been such extraordinary Means, and Methods used to contrive my Death, that the Witnesses may be examined apart, and far from the Hearing one of another.

L. C. J. That we will take Care of by and by.

Mr. Att. Gen. *Mr. Colledge.* This shews your Temper, you are very inordinate in your way of expressing your self.

Colledge. *Mr. Attorney*, I should not Interrupt you, if I were not afraid this was spoken to possess the Jury.

Mr. Att. Gen. I hope to prove what I have said, or every word of it shall pass for nothing. *Colledge.* 'Tis impossible for all the Men on Earth to prove it.

Mr. Att. Gen. Gentlemen, these were the Particulars I was opening to you, in what manner he was armed, and how accoutred he came hither. We shall likewise shew you that he made it his Business to perswade others to undertake the Design, and joyn with him, and as if open War were already Declared; he gave out a Sign which was

was a blew Ribbon, a wrought Ribbon with Letters in it, and this was the mark and Sign, they were to know one another by. This was given out by him frequently; and that it may not seem an extraordinary thing, Gentlemen, tho indeed it was a wild attempt, yet you will cease to wonder when you have heard of the Exploit of *Venger* who with a few men raised such a Commotion, soon after the Kings coming in, and the several Exploits that have of late in *Scotland* been carried on, by a few discontented Persons. So that men of the like Principles, as we shall give you an Account of this Gentlemans Principles what they were, may well be thought to ingage in such an Extraordinary Exploit. And we shall prove what the encouragment was he was to have; for he boasted of himself, that he should be in a little time a Collonel. *Colledge*. What Sir?

Mr. Att. Gen. A Collonel, a great preferment for a Joyner.

Colledge. Yes it was so.

Mr. Att. Gen. We shall shew to you that this was not a sudden unpre-meditated thing; for we shall prove that he had entertained the horridest Malice against the King. that ever Subject entertained against his Sovereign: For we shall give this Evidence, and his Front will not oppose it, that he had made it his common Discourse in Coffee-Houses, and publick Houses, (and I believe I could bring you 40 and 40 Witnesses to it) to defame the King and murder him in his Reputation, and was one of the Complices with *Fitz Harris* who lately was Executed for that venomous Libel: We shall prove that he justified it, and maintained it to be as true as the Gospel. We shall give Evidence that he carried on the same Design, with that Arch-Traytor who was a Papist; and I believe if this Gentleman were Examined throughly he would be found to be one of the same Stamp, and acted by the same Principle; for I think that no Protestant Subject would attempt such things as we shall prove to you. I believe Gentlemen you have frequently heard, as none of us but have, that the King hath been traduced as a designer of Arbitrary Government, and his Reputation blasted Maliciously, and falsely, as an introducer of Popery: Whence comes all this generally, but out of the Popish Quiver, who make it their business to set the Kings good Subjects at variance amongst themselves; and against their Prince, by Styling the King a Papist as this Person hath done, nay, he hath been so impudent as to report that the King was in the Plot against his own Life. We shall prove to you, how here and at other places he hath frequently done this; to go further, we shall produce to you the Evidence that he drew the Kings Picture, and exposed him; in all the reproachful Characters imaginable, and that the Picture might be the better understood, he adds a Ballad to it: And that he may not have the Confidence to say this is not true, we shall produce to you a whole Bundle of these Papers, among those which his Son made a Discovery of, when they were sent to his Uncle to be hid, and we shall prove him to be the Author of them; and yet that this man should have the Confidence to say he is a good Subject and a good Protestant, when by all ways imaginable he goes about to ruin the Government, and defame the King! And Gentlemen when we have given you this Account by Witnesses, for I would have you believe me in nothing, but according as I prove it, you will not wonder then that he should say his Life is in danger, (for so it is indeed?) And if any man ever was Guilty of High-Treason, sure he is, and being Guilty of the greatest Treason, he deserves the severest Punishment.

Colledge. Pray Gentlemen of the Jury, take Mr. Attorney General at his word, and remember Sir, you desire not to be believed your self, but what you prove.

Mr. Serj. Holloway. May it please your Lordship, and Gentlemen, Pursuant to what Mr. Attorney hath opened, we will call our Witnesses, and we will begin with Mr. *Dugdale*, who was a Witness against my Lord *Stafford*, at his Tryal in Parliament, whose Credit Mr. *Colledge* did attest at that Tryal, asserting him to be an honest good man, and I believe his Evidence will go in a great measure through all that Mr. Attorney hath opened, and when we have done with him, we hope to second him with other Witnesses of as good Credit, and that will say as much to the Purpose.

Then Mr. Dugdale was Sworn.

Mr. Att. Gen. Mr. *Dugdale*, look upon the prisoner, and tell the Court whether you know him.

Mr. Dugdale. Yes, I do know him Sir.

Mr. Att. Gen. Will you give us an Account of your knowledge of him?

Colledge. My Lord, I humbly desire they may be Examined apart, and not in the hearing one of another.

Mr. Att. Gen. That with Submission ought not to be in the Kings Case, tho we think there are none of them, that will speak any more then the Truth.

Colledge.

Colledge. Here are several of them my Lord, they are all of a Gang.

Mr. Serj. Jefferies. Not of your Gang, Mr. *Colledge*.

Colledge. I Pray they may go out my Lord, (which was ordered accordingly.)

Mr. Dugdale. If your Lordships please, whether or no I may deliver in these Papers ?

Mr. Att. Gen. By and by time enough, when we ask for them speak your own knowledge.

Mr. Dugdale. My Lord, I have been I think acquainted with Mr. *Colledge* 2 years or thereabouts. I have been several times in Mr. *Colledge's* Company, and truly sometimes he hath been mightily bent against Popery; he hath at sometimes uttered himself, because the King did not prosecute the Papists according as he thought sufficiently, that the King was a Papist himself, that he was as deep in the Plot as any Papist of them all, that he had an hand in *Sr. Edmondbury Godfrey's* Death. This Mr. *Colledge* I appeal to your self, whether you have not said it : And in this Town of *Oxford* you have several times told me that nothing was to be expected from him, he would do nothing. *Mr. Just. Levinz.* Who did tell you so ?

Mr. Dugdale. Mr. *Colledge* did tell me that there was nothing to be expected from the King, but the introducing of Popery and Arbitrary Government, this I believe Mr. *Colledge*, will acknowledge to be True. *Colledge.* Where was this spoken ?

Mr. Dugdale. This was spoken at a Coffee-House, called *Combes* Coffee-House in this Town, and at the *Angel-Inn* in this Town at a Barbers shop; that day the King went out of Town, we were in the the same Shop. *Colledge.* Who was there besides ?

Mr. Serj. Jefferies. Do not interrupt our Witnesses, let us have done with him, and you shall have your time to ask him Questions after.

L. C. J. For your Instruction I will tell you, your time is not yet come, if you chop in and interrupt the Witnesses, you will disturb any man living, but your way is this, when he hath delivered his Testimony ask him any Questions then; and he shall be bound to Answer you, and in the meantime you shall have Pen Ink and Paper, to help your memory.

Mr. Dugdale. That day the King went out of Town presently after he went, you and I went into the *Angel-Inn* : and we went into the Barbers-shop that is just within the Inn, and being charging your Pistols there, you said Rowley was gone, the Rogue was afraid of himself, he was shirked away, and here I appeal to your own Conscience, whether you did not speak it ? *Colledge.* I know nothing of it.

Mr. Att. Gen. Don't appeal to him, 'tis nothing for that, *Mr. Sol. Gen.* Who did he mean by Rowley ? *Mr. Dugdale.* The King.

Mr. Serj. Holloway. Was that his common Application for the King ?

Mr. Dugdale. It was his Common word concerning the King. And at other times speaking that the King did not do those things that were fair, he hath given mighty great words against him : He hath told me that there was no trust to be put in him; for it was the People we most trust to, and we must look to Arm our selves, and that he would Arm himself and be here at *Oxford*, and he told me here in the Town, accordingly when I came out of the Country, and he said that he had several stout men that would stand by him in it. Their Intention was as he said for the rooting out of Popery, by which name he alway termed the Church that is now Established by Law, as to be of the same nature the Papists were. This I believe Mr. *Colledge* will acknowledge. *Mr. Att. Gen.* Well go on Sir ?

Mr. Dugdale. And at a time when he had Dr. *Tongue* at his Hou'e, he told me that as for Dr. *Tongue* he had much a do with him, and he had been at a great Charge to keep him in order, that he was forced to neglect his own business to look after him; for if he had not done so, the Rogue as he said had a mind to fling all upon the Protestants that is the Dissenters, for he does not Count the Church of *England* to be so; that he had much a doe to keep him in order; for he had said he had drawn Papers to that Purpose, but those Papers are secured, for where they are I can't tell.

Mr. Att. Gen. Who were they that were to be with him in that Design of his ?

Mr. Dugdale. He told me Captain *Chinton*, Captain *Browne*, and one Dr. *Lewes*, and he brought them into Town here, when he came with him.

Mr. Att. Gen. To what purpose did he bring them ?

Mr. Dugdale. Expecting there would be a rising.

Mr. Jones. Did he tell you that here ?

Mr. Dugdale. Yes, the Friday, I think it was, after the Parliament first sat.

Mr. Jones. How did he express himself? what they had to do.

Mr. Dugdale. They were to be here, in Case there were any rising which he expected.

Mr. Jones. What use did he say he would make of them ?

Mr. Dugdale.

Mr. Dugdale. For the defence of the Protestant Religion, against the King and all his Adherents.

Mr. Jones. What did he say he would do to the King? I would not lead you.

Mr. Dugdale. He did not say what particularly.

Mr. Jones. What did he say if the King did not yield to the Parliament?

Mr. Dugdale. If the King did not yield to the Parliament, he should be forced to it.

Mr. Jones. Where did you hear him say that? *Mr. Dugdale.* At Oxford.

Mr. Serj. Holloway. Did you hear him declare this at London?

Mr. Dugdale. He did say at London, he expected there would be some thing done at Oxford, and that he would go thither with his Horse and Arms, and those Gentlemen I named before would go with him. And, he said, let them begin when they would, he did not care how soon, his Party was the greatest Party.

Mr. Attor. Gen. What was that Capt. Brown? did you know him?

Mr. Dugdale. Yes, I knew him very well; he did much frequent Mr. College's company; he was in the late Army against the King.

Mr. Serj. Jefferies. Did you see him have any Pistols?

Mr. Dugdale. Yes, I have seen him carry Pistols about him.

Mr. Serj. Jefferies. Where, in his Pocket?

Mr. Dugdale. I saw them in the House.

Mr. Serj. Jefferies. At Oxford? *Mr. Dugdale.* Yes.

Mr. Serj. Holloway. Did you see them in his hand?

Mr. Dugdale. I cannot tell that, he had them in the House, I saw them there.

Mr. Serj. Holloway. Did you see him in his Silk Armour, about the Parliament-House, the Lobby, or any place? *Mr. Dugdale.* I cannot say that.

Mr. Attor. Gen. What did you know of his delivering any Marks or Signs for Persons to be distinguished by?

Mr. Dugdale. I had as much Ribband from him as came to 40, s. with no Popery no Slavery wrought in it, and he gave it me to distribute among my Friends in the Country, that they might be known by other Persons that would wear the same.

Mr. Jones. Where had you it? *Mr. Dugdale.* At London, from Mr. Colledge.

Mr. Jones. Where was it to be distributed?

Mr. Dugdale. Among those that I knew to be Dissenters in the Country.

Mr. Jones. Were you to come to Oxford, by agreement, with Mr. Colledge?

Mr. Dugdale. I promised him to come to Oxford, and did so.

Mr. Attor. Gen. Well, go on, What more do you know?

Mr. Dugdale. At London I was once at a Coffee House with Mr. Colledge, and with some of the Members of the House of Commons; it was a little before they met; and they were earnestly talking of the Parliament at Oxford, and of some disturbance that was likely to happen here. And it was then fully agreed, and Mr. Colledge was by, That it would be the best way, out of every County, where the Parliament had the best interest in the People, to leave one in every County that might manage the People. This I appeal to Mr. Colledge whether it be true.

Colledge. You appeal to me, Shall I speak now, my Lord?

Mr. Jones. No, you will remember it by and by.

Mr. Attor. Gen. What do you know of any Pictures?

Mr. Sol. Gen. Pray let him speak that over again which he mentioned last.

Mr. Dugdale. Being in a Coffee House with Mr. Colledge, there were some of the Members of the House of Commons by; and speaking of a Disturbance that might happen here at Oxford; it was then agreed, That in every Quarter where the Parliament had the most interest in the People, they should not all come up, but some remain there to manage the People.

Mr. Attor. Gen. What do you know of any Pictures or Papers, have you any about you?

Mr. Dugdale. Yes, I have one thing I received from Mr. Colledge, that is, the Letter pretended to be intercepted to Roger L'Estrange.

Mr. Attor. Gen. Pray, what account did he give you of it? Who made it?

Mr. Dugdale. He told me he was the Author of it himself, and he shewed me it in Manuscript before it was printed; and he told me, he got one Curtin, or his Wife, to print it; but he would never trust them again, for they cheated him of some of the Gain.

Mr.

Mr. Attor. Gen. Who was the Author did he say ?

Mr. Dugdale. He himself.

Mr. Attor. Gen. Pray produce it Sir.

Mr. Dugdale. This and others he delivered to me to disperse.

L. Ch. Just. What is it Mr. Attorney ?

Mr. Attor. Gen. It is a Letter, and a great part of *Fitz-Harris's* Libel is taken out; it seems *Colledge* was the Author, and this is the Original of the Libel.

L. Ch. J. Did he tell you this was of his making ?

Mr. Dugdale. Yes.

Mr. Attor. Gen. Did he disperse them to any Body else ?

Mr. Dugdale. Yes, there were some given to one *Mr. Boson*, he had some at the same time, and *Mr. Baldwin* had some.

Then the Paper was read.

Cl. of Cr. First Q. Whether they that talk——

Mr. Attor. Gen. Pray give my Lord an account what more Papers and Libels he delivered to you.

Mr. Dugdale. I received one like this, I cannot say it was the same, where all the Bishops were changing their Hats for Cardinal Caps.

Mr. Serj. Jefferies. Where is *Rary Shew*, for it seems he hath expounded the meaning of that. (*Then it was produced.*)

Mr. Serj. Jefferies. I suppose 'tis his own cutting too.

Mr. Dugdale. I heard *Mr. Colledge* sing it.

Mr. Serj. Jefferies. Where ?

Mr. Dugdale. In *Oxfordshire* and in *Oxford Town*, at my Lord *Lovelace's*.

Mr. Serj. Jefferies. Where at my Lord *Lovelace's* ?

Mr. Dugdale. At his House in the Country.

Mr. Serj. Jefferies. Who were in the Company there ?

Mr. Dugdale. *Sir Robert Clayton*, *Sir Thomas Player*, *Mr. Rouse*, *Mr. Colledge*.

Mr. Serj. Jefferies. You say you heard him in *Oxford*, and in *Oxfordshire*, and at my Lord *Lovelace's*, where is that ?

L. Ch. J. My Lord *Lovelace* is here himself, and hears what he says.

Mr. Dugdale. I might mistake the County, but I heard him sing it at *Oxford Town*, and at my Lord *Lovelace's* House again.

L. Ch. J. Where is that ?

Mr. Dugdale. I cannot tell the Town.

Mr. Serj. Jefferies. How came you there ?

Mr. Dugdale. *Sir Thomas Player* did invite me thither.

Mr. Serj. Jefferies. Where is it in *Oxfordshire* ?

Mr. Dugdale. I cannot tell, 'tis four miles from *Henley*.

Mr. Serj. Jefferies. Was my Lord at home. *Mr. Dugdale.* Yes, he was.

Mr. Serj. Jefferies. Now for the Cut then ; Did he shew you this Cut ?

Mr. Dugdale. Yes, he told me he would get it printed.

Mr. Serj. Jefferies. Was it before it was printed then that he sung it ?

Mr. Dugdale. Yes, it was.

Mr. Serj. Jefferies. Who did he tell you did make it ?

Mr. Dugdale. He told me he was the Author of this Cut, and he gave me one; and we sang it together presently after it was printed.

Mr. Attor. Gen. How did he describe it to you, when he shewed it to you ?

Mr. Dugdale. That which hath the Pack on the back of it, he described to be the King; those that follow him were *Topham*, *Cooper*, *Hughes*, and *Snow*; and that company of men there is the House of Commons.

Mr. Serj. Holloway. What was meant by the Pack ?

Mr. Dugdale. The Parliament and all his Retinue; and then here is the King in the Mire again, according as 'tis represented in the Long——

Mr. Serj. Jefferies. Ay, he goes on well. And this here is the Bishops which they thrust into the Pack when they have got him down into the Mire, and then they thrust them all away, as it is in the Song, to hoot them away.

L. Ch. J. Did he make this explication to you ? *Mr. Dugdale.* Yes.

Mr. Serj. Jefferies. Who were the All ?

Mr. Dugdale. King, and Clergy-men, and all.

Mr. Serj.

Mr. Serj. *Jefferies*. Where was this he explained it ?

Mr. *Dugdale*. At London.

Mr. Serj. *Holloway*. Is there any thing relating to *White-ball* ? what name did he give that ?

Mr. *Dugdale*. Yes, he said, *Lonsc-ball* was *White-ball*, because of its poverty.
Then the Ballad was read.

Cl. of Cr. *Mary Shew*. To the Tune of, *I am a Senseless Thing*.——

Mr. *Attor. Gen.* This shews you what sort of Man he is.

Mr. Serj. *Jefferies*. Here you say he explained this with the Pack at the back to be the King ?

Mr. *Dugdale*. Yes, he told me so.

Mr. Serj. *Jefferies*. What did he mean by the two Faces ?

Mr. *Dugdale*. That he was half Protestant, and half Papist.

Mr. *Jones*. Did he make any comparison between his own Party and the King's Party ?

Mr. *Dugdale*. He said they were but an handful to them.

Mr. *Jones*. To whom ?

Mr. *Dugdale*. To his Party, that was the Dissenters.

Mr. *Attor. Gen.* Speak that out.

Mr. *Dugdale*. That their Party was but a handful to theirs.

Mr. *Attor. Gen.* Theirs and theirs, who did he mean ?

Mr. *Dugdale*. He meant the Dissenters, for the Church of *England* he reckoned among the Papists.

L. Ch. J. Tell us the words he said.

Mr. *Dugdale*. He said, his Party was the true Church of *England*, and that which is established by Law, were but Protestants in Masquerade.

Mr. *Jones*. Tell us when he made the comparison, what words he did use, and upon what occasion.

Mr. *Dugdale*. When he perceived the King at *Oxford* would not yield to the House of Commons, he said, Let him begin as soon as he would, he did not care how soon he did begin, for their Party, meaning the King and his Party, was but an handful to him and his Party, calling them the true Protestants, the others were Protestants in Masquerade.

Mr. *Attor. Gen.* What did he desire you to do ? To be assisting in any thing ?

Mr. *Dugdale*. He always desired me to be true of that side, he hoped I was, and to get good Arms for my self.

Mr. Serj. *Holloway*. Did he in *Oxford* desire this of you ?

Mr. *Dugdale*. No, he did not.

Mr. *Sol. Gen.* For what purpose did he desire you to arm your self ?

Mr. *Dugdale*. He said, the King had a design on the People to introduce Popery and Arbitrary Government, and he expected every day when they would begin, and the sooner the better, he would be provided for them.

Mr. *Jones*. Was that in *Oxford* ?

Mr. *Dugdale*. He spoke it in *Oxford*, and in the City too.

Mr. *Jones*. Did he tell you of any that were lifted ?

Mr. *Dugdale*. He spoke of Capt. *Brown*, and Capt. *Clinton*, and *Don Lewes*, and abundance more he said he had.

Mr. *Jones*. Did he tell you he had them here ?

Mr. *Dugdale*. Yes, about forty of them were there he said.

Mr. Serj. *Holloway*. Did he tell you of any that were lifted, in order to the coming down of the Parliament at *Oxford* ?

Mr. *Dugdale*. Not lifted, but were intended to come down ; and at *Oxford* he told me they were come down.

Mr. *Just. Jones*. Were you in their company in *Oxford* here ?

Mr. *Dugdale*. Yes, I was.

Mr. *Just. Jones*. In the company of whom ? name them.

Mr. *Dugdale*. Of Capt. *Brown*, *Don Lewes*, and several others of that Gang ; I know not their Names, but I know their Faces.

Mr. *Sol. Gen.* Did he take notice to you that they were come down.

Mr. *Dugdale*. Yes.

Mr. *Sol.*

Mr. Sol. Gen. To what purpose.

Mr. Dugdale. He expected there would be a rising in *Oxford*, and to this purpose; *Mr. Colledge* was one that debated it at *Richard's Coffee House*, and it was to be carried from thence to the *King's-Head Club*, Whether it were not best to leave a Parliament Man in every County?

Mr. Attor. Gen. Where was this?

Mr. Dugdale. This was at *Richard's Coffee House* in *London*, against they met here.

Mr. Attor. Gen. We could give you an account of a volume of these things, abundance of scandalous Pamphlets, both Songs, Libels, and Ballads, that were made by this Gentleman, and all seized in his custody.

Mr. Jones. But he sung this Libel?

Mr. Attor. Gen. All these, Gentlemen, (shewing a great bundle) were to be dispersed over *England*.

Mr. Serj. Jefferies. It was it seems expounded and sung by the Prisoner at the Bar; he gave you the Ballad here at *Oxford*, you say, *Mr. Dugdale*.

Mr. Dugdale. No, I heard him sing it here.

Mr. Jones. Pray, *Mr. Dugdale*, what was the use was to be made of this Ballad?

Mr. Attor. Gen. Come go to the next, we call this Evidence to shew you the malice of the Man.

Colledge. Pray, my Lord, let me ask some Questions of *Mr. Dugdale*.

Mr. Serj. Jefferies. Ay, now let the Prisoner ask his Questions (to do him right) before we go to another Witness.

Mr. Dugdale. My Lord, I have a word or two more about a Libel in Manuscript, that very day the Sheriffs were to be chosen; it was to be printed, and he told me the Printer durst not print it, it was so dangerous.

Mr. Serj. Jefferies. What was it, can you remember any part of it?

Mr. Dugdale. No, but it was the worst I ever heard in my life against the King and Government.

L. Ch. J. Now ask him what Questions you will.

Colledge. Pray, when was the first time you gave this Evidence?

Mr. Dugdale. Truly, *Mr. Colledge*, I don't keep an account of Time, I cannot give an account of Time.

Mr. Attor. Gen. As near as you can, tell him.

Mr. Dugdale. I cannot tell whether it might be in *June*, I think it was.

Colledge. How long before I was taken?

Mr. Dugdale. It might be about the time you were taken.

Colledge. Pray, who did you give it before?

Mr. Dugdale. I gave to Sir *Lionel Jenkins*.

Colledge. Where did you swear these particulars were done then?

Mr. Dugdale. What was done in the City, I swore to be done there.

Colledge. What City?

Mr. Dugdale. *London*; the same words were said in the City of *London*, and over again here. I have repeated, for the most part, only the words you said here, but more was in the City than here.

Colledge. Did you swear then, that the words you swear now were spoken at *London*?

Mr. Dugdale. It may be we might not name *Oxford* then.

Mr. Serj. Jefferies. He says well, it might not be named then.

Colledge. Then you did give in your Information, that I spoke these words at *Oxford*.

Mr. Dugdale. I was not examined about what was done at *Oxford*; but I believe I have heard you speak the same words to me at my Lord *Lovelace's*, but I do not know what County that is in.

Colledge. I ask you positively, Whether you did not swear that what you now say was spoken at *Oxford*, was spoken at *London*.

Mr. Dugdale. I did not name *Oxford* then.

Colledge. But did not you say that was done at *London*, that now you say was done here.

Mr. Dugdale. Truly, you said them both at *London*; and here.

Colledge.

Colledge. Pray, *Mr. Dugdale*, what had you to give this your Information?

Mr. Dugdale. Truly I can't say I have received the worth of a Groat.

Colledge. Nor was ever promised any thing?

Mr. Dugdale. No, I never received any thing, nor ever was promised, but only what the King gave me for going down into the Country for my Charges.

Mr. Ator. Gen. Was that the same Allowance you had when you were Witneſs for the Popiſh Plot?

Mr. Dugdale. Yes;

Mr. Serj. Jefferies. Have you any other Allowance than what you had before, when you gave Evidence at my Lord *Stofford's* Tryal?

Mr. Dugdale. No, nor have got all that yet neither.

Colledge. But pray obſerve my Queſtion, *Mr. Dugdale*, and answer it. Did you not ſwear at *London* that I ſpoke theſe words there, which now you ſay I ſpoke here?

L. Ch. J. Pray obſerve, he ſays he did not then name *Oxford*; but in the giving of his Evidence now, he tells you a ſeries of what paſſed between *London* and *Oxford*; and I muſt tell you further, if a Treason be committed, and the Evidence prove it to be in two Counties, the King may chuſe which County he will proſecute and bring his Indictment in, and give in Evidence the Facts in both Counties. But you ſhall have your Objection to it afterwards, and we will take it into conſideration. I tell you this, that it may not ſeem to you that the Witneſſes ſpeak impertinently of what was done at *London*; but if nothing was done or ſaid at *Oxford*, then it will be taken into conſideration, you ſhall have it ſaved afterwards, I only hint it now, that you may not think it impertinent.

Colledge. I beſeech your Lordſhip give me leave to ſpeake one word: When he made his Affidavit before Sir *Lionel Jenkins* there about ſeizing the King, about the Party I had, and the Arms I had provided, ought not he at the ſame time to have ſaid where I ſaid thoſe words to him? but he did ſwear then it was in *London* that I ſaid thoſe words to him; and coming before a Grand Jury of honeſt Gentlemen in *London*, they were ſo wiſe and honeſt as to do me Juſtice, and not find the Bill; ſo their deſign failing there, then they changed it to *Oxford*.

L. Ch. J. You did not come to your Tryal there. If you had ſo done, then they would have asked him in particular what was ſaid at *Oxford*, and what at *London*, as 'tis now, being done in both Counties. But look you, if you will ask any particular Queſtions, do, for they have other Witneſſes to produce.

Colledge. My Lord, I only ask this Queſtion. Whether it be not rational to think, that when he ſwore before Sir *Lionel Jenkins*, he ſhould not ſwear the words were ſpoken, and things done?

Mr. Dugdale. He hath ſaid the ſame words to me at my Lord *Lovelace's*, as I lay in Bed with him, and this I never mentioned but now in my Evidence.

Colledge. What words did I ſay there?

Mr. Dugdale. If you muſt have them repeated, they were about the King.

Colledge. What were they?

Mr. Dugdale. That he was a Papiſt, and deſigned Arbitrary Government.

Colledge. Did I ſay ſo to you at my Lord *Lovelace's*?

Mr. Dugdale. Yes, as we lay a Bed.

Mr. Sol. Gen. Did you lie together?

Mr. Serj. Jefferies. Yes, yes they were Intimates.

Colledge. I had not fix words with you when you went to Bed, for you ſaid you were weary, and went aſleep preſently.

Mr. Dugdale. I ſay you ſaid this in the morning, for we had above an hours diſcourſe when we were a Bed, and all our diſcourſe was about the Parliament and the King.

Colledge. Where was it I ſaid thoſe words in *Oxford*?

Mr. Dugdale. At *Combe's* Coffee Houſe was one place.

Colledge. Was there no Body by?

Mr. Dugdale. No, but at the Angel Inn there were ſeveral Perſons ſtanding by.

Colledge. Surely then ſome of thoſe heard the words as well as you.

Mr. Dugdale. It may be so, I am sure many at *London* have been by, as *Mr. Starkey* by name, *Mr. Boson*, *Mr. Baldwin*; they have rebuked you for it, and I have rebuked you too.

Colledge. What words have they and you heard, and rebuked me for?

Mr. Dugdale. When you have been railing against the King, and said, That he designed nothing but the introducing of Popery, and Arbitrary Government, and that he was a Popist.

Mr. Serj. Jefferies. He loves to hear it repeated.

Colledge. What Arms did you see of mine in this Town?

Mr. Dugdale. I saw Pistols; You had a Case of Pistols before you, and you had some Pocket Pistols.

Colledge. None but one I borrowed of you, and that you had again; had I? (pray speak) did you see any more?

Mr. Dugdale. It may be there might not, but there were Pocket-Pistols in the Room, and you had them in your hand.

Colledge. He swore but now that he saw me have Pocket-Pistols, when it was but one, and that was his own.

Mr. Serj. Jefferies. Hark you now, you talk of Pistols, do you know that he had any Pistols in his Holsters at *Oxford*?

Mr. Dugdale. Yes, he had.

Colledge. Yes, I know that, I don't deny it.

Mr. Serj. Jefferies. I think a Chissel might have been more proper for a Joyner.

Colledge. You say I was confederated with *Capt. Brown*, and other Men.

Mr. Dugdale. You have told me that *Capt. Brown* had a good Allowance, and it was pity he had not a better Allowance; and you would speak he might have a better Allowance for he was able to do good service when the time came.

Colledge. From whom?

Mr. Dugdale. Among you.

Colledge. Among whom?

Mr. Dugdale. You know there were several gatherings among you that I was not privy to.

Colledge. What do I know?

Mr. Sol. Gen. You know Money was gathered many times.

Colledge. For what purpose?

Mr. Dugdale. You never told me particulars; it was to distribute some where, I had none of it.

L. Ch. J. He does not say these men were concerned with you, but you said so.

Mr. Dugdale. You know, *Mr. Colledge*, there were many gatherings of Moneys.

Colledge. Did I tell you there were any Gatherings for *Capt. Brown*?

Mr. Serj. Jefferies. He says you told him no Particulars; if you have a mind to ask him any more Questions, do.

Colledge. Pray, *Sir George*, don't interrupt me, I am here for my Life. Did I tell you there were any gatherings for *Capt. Brown*?

Mr. Dugdale. I do not say for him, nor whom you distributed it to; but you gathered Money one among another, and you have paid Money.

Colledge. I have paid Money! when, and to whom?

Mr. Attor. Gen. You will not deny that, you confessed, upon your Examination, that you gave a Guinny.

Colledge. Sir, did you see me any more at *Oxford*, than in the Coffee-House, and at that Inn, when I went out of Town, and was going home with the City-Members?

Mr. Dugdale. Yes.

Colledge. Were you in my Company any where, but in those two places?

Mr. Dugdale. Yes, I was with you at the Chequer.

Colledge. Did you come a purpose to speak with me, or had you any business particularly with me?

Mr. Dugdale. Truly, *Mr. Colledge*, I have forgot whether I had or no, I was in the Room with you there.

Colledge. Where is that Room?

Mr.

Mr. Dugdale. I can't tell all the Rooms in that House.

Colledge. Was it above stairs, or below?

Mr. Dugdale. Both above and below, two days I was there with you.

Colledge. Was there any of this discourse you speak of passed there between us?

Mr. Dugdale. I know I was with you in those two places I mentioned before; you called me aside to drink a glass of Mum, and there was none in the Room but us two at that Coffee-house.

Colledge. Sir, you came to Town but on *Friday*, I think, it must be *Saturday*, *Sunday*, or *Monday* this was, for we stayed no longer in *Oxford*.

Mr. Dugdale. Nay, I came to *Oxford*, either *Wednesday* night, or *Thursday*-morning; and I saw you and Mr. *Hunt* together the same day I came.

Colledge. Did I explain any Pictures to you at *London*, or owned I was the Author of them.

Mr. Dugdale. Yes, upon my Oath, you have explained Pictures to me, and there is one Picture that I have not shewed yet, which you have explained what the meaning was.

Mr. Serj. *Jefferies*. 'Tis your common trade it seems.

Mr. Dugdale. You told me you got them done.

Clerk reads, *A Character of a Popish Successor, &c.*

Mr. Serj. *Holloway*. How did he explain it to you, Mr. Dugdale?

Mr. Serj. *Jefferies*. I would see what opinion he had of the Church of *England*; there are some Church-men, what are they a doing?

Mr. Dugdale. They are a parcel of *Tantivy-men* riding to *Rome*; and here's the Duke of *York*, half Man, half Devil, trumpeting before them.

Colledge. You have got some Body to explain these things to you, Mr. Dugdale.

Mr. Dugdale. You did it, upon my Oath.

Colledge. Oh, fie upon you Mr. Dugdale, consider what you say.

Mr. Serj. *Jefferies*. All this you did explain it seems.

Mr. Dugdale. And in one place of the other Libel the King was termed a Rogue, but they put him in by another name.

Mr. Serj. *Jefferies*. Where is it?

Mr. Dugdale. 'Tis in *Rary Shew*; In the Manuscript it was, Now, now the Rogue is down.

Mr. Serj. *Jefferies*. Let me see it, I took notice of it, 'tis, Now, now the Gyant is down, here.

Colledge. I ask you, Sir, Whether the Song which you say was sung at my Lord *Lovelace's*, and other places, was the same with this?

Mr. Dugdale. For the general it is, I can't tell for every word: You sang it half a dozen times there, and the Musick plaid to you.

Colledge. I ask you whether it was the same with this?

Mr. Dugdale. I can't tell for every word you sang.

Colledge. Was there any Body by at my explaining of these Pictures?

Mr. Dugdale. Mr. *Baldwin* was by, and reproved and corrected you, that you would be so open.

Colledge. Was there any Body by at *Oxford*, when you did hear me talk of Arming my self?

Mr. Dugdale. They were walking up and down in the Barber's Shop, and I know not whether they did hear or no.

Mr. Attorn. Gen. Was that Gentleman sworn at my Lord *Stafford's* Tryal; Mr. Dugdale?

Colledge. Yes, I was sworn there, I acknowledged it.

Mr. Attorn. Gen. Did he swear any thing on your behalf, for your credit, Mr. Dugdale?

Colledge. That was by hear-say, Mr. Attorney, at the *Tower*; I know nothing of my own knowledg, but I did believe him another man than I find him.

Mr. Serj. *Jefferies*. No question, or else you would not have trusted him.

Mr. Attor.

Mr. Attor. Gen. Swear Stevens. (*Which was done.*) Do you give my Lord, and the Jury, an account where you found this precious Ballad.

Stevens. The first draught I found in his Bed-chamber.

Mr. Serj. Jefferies. What, of all of them? which is it?

Stevens. The *Rary Shew*; We found the first Draught of it in his House, when we came to search his Papers, by Order of Council; and the Printer that printed the Ballad, hath told me since, he had it from him —

Mr. Attor. Gen. What say you your self? speak your own knowledg.

Stevens. And Mr. Atterbury was by when we searched the House.

Mr. Attor. Gen. Well, Mr. Atterbury will tell his own story.

Stevens. I have seen you on Horse-back, with Holsters before you, with some hundreds of men after you, coming out of the Bell-savage in; they said, you were going to chuse Parliament Men: I have known you three or four Years, you were Joyner to our Hall.

Mr. Serj. Jefferies. We call you to that particular of the Papers, and you run out in a story of a Cock and a Bull, and I know not what.

L. Ch. J. Will you ask him any Questions?

Colledge. No, only this; Do you swear, upon your Oath, that you found the Original in my House?

Stevens. Yes, Sir, you will see it with my hand to it, and some more of them.

Mr. Attor. Gen. And you found too those that were printed?

Stevens. Yes, both our names are to them, that were concerned in the searching of them.

Mr. Serj. Jefferies. You found the Paper in the House?

Stevens. Yes.

Mr. Serj. Jefferies. That is *Towzer*; but have you the Original of the *Rary Shew*? (*It was looked for, but could not be found.*)

Colledge. Pray, Gentlemen, observe, he swears that is an Original.

Mr. Serj. Jefferies. No, no he found the Paper in your House.

Colledge. I ask about the Original of *Rary Shew*.

Mr. Serj. Jefferies. He says, he saw a Paper drawn with a Pencil that was like the Original.

Atterbury. There was an Original drawn with a Pencil, upon Dutch Paper, 'tis lost since, for we do not see it here now, which at the same time we found upon Colledge's Table in his Bed Chamber.

Colledge. Did you find an Original of that in my Chamber?

Atterbury. Yes, we found a Paper drawn with Black-lead.

Colledge. Pray, where is it?

Atterbury. I did see it, it was drawn in Black-lead, it was upon Dutch-Paper, and lay upon the Table in your Chamber.

Stevens. Sure, I am, it was taken when we searched the House.

Colledge. I am sure you could never find the Original of any such thing in my House.

Mr. Attor. Gen. Then where is Mr. Sewell, (*Who was sworn.*) Sir, did you see that Trumpery taken?

Sewell. I had a Warrant to seize Mr. Spur, and his Brother-in-Law Mr. Colledge. So I went down to seize Mr. Spur, and search his House for such Papers as I should find. I could not find them in the House; but I enquired of him, after I had searched, and could not find them where they were; because I saw him at Mr. Colledge's when we first searched; he denied them a pretty while, but at last he told me they were in the Hay-mow in the Barn. When I came there, he was balling, and told me, his Wife, Colledge's Sister had taken them down, and carried them into a Room where I had searched before, but could not find them; and the man was angry then, so we run after his Wife, and found her with all these Papers in a Bag.

Mr. Attor. Gen. Are these the same Papers?

Sewell. Yes; and there were two other Cuts; the man himself is about the place somewhere.

Mr. Attor.

Mr. Attor. Gen. Swear Mr. John Smith. (Which was done.)

Mr. Jones. Come, Mr. Smith, do you know Mr. Colledge?

Mr. Smith. Yes.

Mr. Serj. Jefferies. Give us an account what dealings you have had with him, where, and when; what he hath said about the King; and tell us first whether you be intimately acquainted?

Mr. Smith. We were intimately acquainted. The first time I heard Mr. Colledge discoursing any thing of this nature, that is, concerning Treason, or any such thing, was once at a Coffee-house by Temple-Bar; there I met Colledge, and he told me he was invited to Dinner, and he likewise invited me to it. I asked him, who provided the Dinner, he told me it was one Alderman Wilcox; I told him I was a stranger, and did not care for going; he told me, I should be very welcome there; and at last prevailed upon me to go. And as I was going along, I asked him what the Alderman was; he told me, he was a man that was as true as steel, and a man that would endeavour to root out Popery: said I, That may be done easily, if you can but prevail with the King to pass the Bill against the D. of York. No, no, said he, you are mistaken, for Rowley is as great a Papist as the Duke of York is, (now he called the King Rowley) and every way as dangerous to the Protestant Interest, as is too apparent by his Arbitrary ruling. This was the Discourse between the Coffee-House and the Tavern where we went to dine. When we came in, I asked Colledge again, whether the Alderman was there; he said he was not there at that time: I asked him, the second time, what kind of man he was; he said, he was one that lived in his Country-house, and gave freely to several People to buy Arms and Ammunition. And I asked him to what purpose? and he said, it was, to bring the King to submission to his People; adding thereto, That he wondred Old Rowley did not consider how easily his Fathers Head came to the Block, which he doubted not would be the end of Rowley at the last. After this Discourse, the Alderman came in; we dined, and every one went his own way about his own Business. Mr. Colledge then told me, if I would go with him to his own House, I should see how he was prepared with Arms and Provision. Soon after I met with him, and he desired me to go along and dine with him; and I did so, and there he did shew me his Pistols, his Blunderbuss, his great Sword; and he shewed me his Armour, Back and Breast; and he shewed me his Head-piece, which, if I am not mistaken, was covered over with Chamlet, it was a very fine thing; and, said he, These are the things which will destroy the pittiful Guards of Rowley, that are kept up contrary to Law and Justice, to set up Arbitrary Power and Popery.

Colledge. What did I say, Sir, about my Armour?

Mr. Smith. Thus you said; It was to destroy Rowley's Guards, (those were your words) that were kept up contrary to Law and Justice, to set up Arbitrary Power and Popery. After I had dined with him, I parted with him. A little before the Parliament was to meet at Oxford, I met him again; and we were discoursing of several things, what preparations the City were making, how they were provided with Powder and Bullets, and for his part he would go down to Oxford, for he expected a little sport there, upon the Divisions that were like to be between the King and Parliament. Then said I to him, Why, what is the matter there? Why, said he, we expect that the King will seize upon some of the Members, and we are as ready as he. And, says he, for my part, I will be there, and be one that shall seize Him if he secure any of the Members, (and I believe he did go down); says he, you know how the City is provided: I told him, No, not so well as he; but he told me all was very well. After he came up again, I met him another time, and he told me, He went down in expectation of some sport; but Old Rowley was afraid, like his Grand-father Jany, and so ran away like to beslit himself.

Mr. Serj. Jefferies. Did he say, If he had not ran away he would have seized him?

Mr. Smith. He said nothing of that; but before, he said, He would be one of them should seize him, if he seized any of the Members. After this he told me, that Fitz-Gerald and he had had a quarrel at the Parliament-Door of the House of Lords at Oxford; that Fitz-Gerald had called him Rogue; and, said he, Fitz-Gerald made my Nose bleed; but before long, I hope to see a great deal more Blood shed for the Cause. After this again, when there was a discourse of disarming the Ci-

ty, that my Lord *Feverham* was to come to do it, he told me, he was well provided, and if *Feverham*, or any man, nay *Rowley* himself should attempt any such thing, he would be the death of him, before any man should seize upon his Arms.

Mr. Serj. *Jefferies*. Did he discourse any thing to you about Arms to provide your self.

Mr. *Smith*. Yes, he did, I had an Armour from him.

Mr. Serj. *Jefferies*. What did he say to you about it?

Mr. *Smith*. He did desire me to get me Arms, for I did not know how soon I might make use of them. I had an Armour from him upon trial; he said, it cost him 30 or 40 s. I had it upon trial, but it was too big for me, so I gave it him back, and bought a new one.

Mr. *Attor. Gen.* Did he tell you to what purpose you should Arm your self?

Mr. *Smith*. No, he did not name any purpose, but he told me, I did not know how soon I might make use of it.

Mr. *Attor. Gen.* What did he say to you about any one's seizing the King.

Mr. *Smith*. He told me, the Parliament were agreed to secure the King, and that in order to it, all Parliament-men came very well Armed, and accompanied with Arms and Men; and he told me of a great Man that had notice from all the Gentlemen of *England* how well they came armed.

Mr. *Jones*. What did he say of himself?

Mr. *Smith*. He would be one that should secure the King, if he seized any of the Members?

Mr. *Jones*. When he had been there, what did he say?

Mr. *Smith*. If they had had any work, he was ready provided for them.

Mr. *Attor. Gen.* But, pray, tell us again what he said of the King's running away?

Mr. *Smith*. He said, *Rowley* was afraid, like his Grand-father *Jamy*, and ran away ready to besmash himself.

L. Ch. J. If you have done with him, Mr. *Attorney*, let the Prisoner ask him what Questions he will.

Colledge. Mr. *Smith*, Where was this Discourse I had with you?

Mr. *Smith*. Which do you mean, the former part or the latter?

Colledge. The first discourse you talk of, what I told you going to Mr. *Wilcox's* to dinner; and when it was?

Mr. *Smith*. You know best when it was, I can't exactly remember the time, but you know 'tis true.

Colledge. Where was it?

Mr. *Smith*. As we went along thither we had the first part of it, and when we came thither, you and I talked till Alderman *Wilcox* came in; and you and I were alone together, and several Persons that were there, were drawn into Cabals, two by two.

Colledge. Where?

Mr. *Smith*. In the Room where we dined; and you know there was a little Room by, where some were drinking a Glass of Wine.

Colledge. You say, by two and two, the Company were drawn into Cabals.

Mr. *Smith*. I tell you most of them were in Cabals, two and two together, only those 2 Gentlemen that belonged to the Alderman went up & down and gave Wine.

Colledge. What Religion are you of?

Mr. *Smith*. Is it for this Man to ask me, my Lord, such a Question?

L. Ch. J. Yes, answer him.

Mr. *Smith*. I am a Protestant.

Colledge. You were a Priest?

Mr. *Smith*. Yes, what then? and I am in Orders now.

Colledge. That was from the Church of *Rome*.

Mr. *Smith*. Yes, and that is a good Ordination; I came in voluntarily to discover the Popish Plot, and was no Pentioner, nor received any Sallary from the King. I have spent several Pounds, several scores of Pounds, but received no Recompence. And I was the Darling at one time all over the City, when I did adhere to what they would have me to do.

Mr. Serj. *Jefferies*. Did not you swear against my Lord *Stafford*?

Mr. *Attor. Gen.* Were not you a Witness, Mr. *Smith*, at my Lord *Stafford's* Tryal.

Mr. *Smith*. In that Case I did give a general account of the Design of the Papists; they did not then question my Reputation, and I desire all the World to say any thing against it.

Colledge.

Colledge. Pray hear me Sir, if you please; the first discourse that you speak of about Mr. *Wilcox's* being a good Man for the Cause, and contributing Money, this was when we were at Dinner.

Mr. Smith. This was that day when we went to dinner with him, you know it very well.

Colledge. Where were the other Discourses I had with you?

Mr. Smith. Which part of them?

Colledge. When I came from *Oxford*.

Mr. Smith. By the Ditch side, by your own House; I have two or three to prove it, we were an hour or two discoursing together about this Business.

Colledge. What Business?

L. Ch. J. He tells you of two Discourses, one before you went to *Oxford*, and one after you came from thence.

Colledge. He does say, that I discoursed him about our coming down hither to *Oxford*, That the Parliament would secure the King, and that I would be one of them that should seize him, and this was at the time when we dined with Alder. *Wilcox*.

L. Ch. J. Not so, he says after that time, and before you went to *Oxford*, he had such a discourse with you. *Mr. Smith.* Yes, my Lord, so it was.

Colledge. And does he speak of another time when I shewed him the Back, Breast, and Arms? *Mr. Smith.* Yes.

Colledge. But he said, I discoursed then, that the City was provided with Arms, and that the Parliament were resolved to bring the King to submission.

Mr. Smith. When I was in the House with him, he then said Mr. *Wilcox* gave Money to provide Arms: I asked for what? he said, it was to bring the King to submission to his People; and then he added, he admired that *Rowley* did not remember how easily his Fathers Head came to the Block; and he doubted not but that would be the end of him too.

L. Ch. J. He spake of several times you know.

Colledge. I do not know one word of it, nor can distinguish the times: But, *Mr. Smith*, the last discourse you say about *Oxford* business, was by the Ditch side.

Mr. Serj. Jefferies. The discourse about bringing the King to submission, was in the way as you went to dinner.

Mr. Smith. The last discourse when you returned from *Oxford*, was by the Ditch side; but both before and after you spake to me at that place about this design of bringing the King to submission.

Colledge. You said it was at *Wilcox's* at Dinner.

Mr. Serj. Jefferies. You mistook him then.

Colledge. Nay, Sir George, you took him not right.

Mr. Serj. Jeff. I have taken him right I assure you, and you shall see it by and by.

Colledge. He is the falsest Man that ever spoke with a tongue!

Mr. Attor. Gen. Swear Bryan Haynes. (*Which was done.*) Tell my Lord, and the Jury, whether you know this Gentleman, what converse you have had with him; and what discourse he hath had with you. Apply your self to Mr. *Colledges* Business only.

Haynes. I suppose he will not deny but that he knows me very well; I have been acquainted with him ever since *March* last, before the sitting of the Parliament at *Oxford*. My Lord, there was a Warrant against me for High-Treason; and I made my application to Mr. *Colledge*, and desired him to go to a certain Person of Honour in *England*, and ask his advice, Whether I might supersede the Warrant by putting in Bail, and carry the *Supersedeas* in my Pocket: Mr. *Colledge* told me he would go to this Person of Honour, for he would do nothing of his own head; and he bid me come to him the next day. My Lord, I came to Mr. *Colledge* the very next day, and I met him at his House, and I asked him what was the result, and what advice he had from that Person of Quality; he bid me be of good cheer, that the Parliament would be, and sit at *Oxford* soon; that I should not value the King a pin, for, said he, the King is in a worse condition than you or I; for you shall see, said he, he shall be called to an account for all his Actions.

Mr. Serj. Jefferies. Who should?

Haynes. The King; for all the World may see, says he, that he does resolve to bring in Arbitrary Power, and Popery: And, said he, unless he will let the Parliament sit at *Oxford*, since he hath called them together, and put the People to charges in

in chusing of them, and them in coming down, we will seize him at *Oxford*, and bring him to the Block, as we did the Logger-head his Father. The Parliament shall sit at *Guildhall*, and adjust the Grievances of the Subject, and of the Nation. And you shall see, said he, that no King of his Race shall ever reign in *England* after him.

L. Ch. J. Where was this he said so?

Haynes. At his own House I met him; and he and I did walk all along from his own House, over the Bridge that is against *Bridewel*, and so went all along till we came to the Hercules Pillars, and we had some discourse there; we went up one pair of stairs and called for some Beef; and all this discourse was in that very place of the Hercules Pillars.

Mr. Serj. Holloway. Do you know any thing of any Arms he had, and for what?

Haynes. But, Sir, said I to *Mr. Colledge*, how can this be done, 'tis a thing impossible. You pretend, you say, to the Duke of *Monmouth*, that he is a fine Prince, and stands up for the Protestant Interest: Alas, said he, we make an Idol of him to adumbrate our Actions, for fear we should be discovered. Do you think the wise People of *England* shall ever make a Bastard upon Record King of *England*; No, said he, for tho' we praise his Actions, yet we cannot endure him, because he is against his own Father. But, said he, further, unless the King do expel from his Council the Earl of *Clarendon*, cunning *Lory Hide*; the Earl of *Hallifax*, that great turn coat Rogue, that was before so much against the Papists, a Rascal, we shall see him hang'd, and all the *Tory* Counsellors; except the King do it, we will make *England* too hot for him.

Colledge. Who did I say this to? to you? *Haynes.* Yes, to me.

Colledge. Pray, how could this be possible.

Haynes. Yes, you knew my condition; and I intimated to you at that time, That I was as much for Treason and Villany as you: But then said I to him, how can this be done? Here you have neither Officers, nor Men of Experience, nor Men of Knowledge; nor you have no Ammunition, Sea-port Towns, nor Ships. And besides, the King, said I, hath a great Party in the Land, and the Duke of *York* likewise; and for all the Men of Estates, and the Ancient Gentlemen, they will not be disturbed, and to quit their Ease for a Civil War. Oh, says he, you are mistaken, for we have in the City 1500 Barrels of Powder, and we have 100000 Men ready at an hours warning; and we have ordered every thing in a due method against the sitting of the Parliament at *Oxford*; and you shall see *England* the most glorious Nation in the World, when we have cut off that beastly fellow *Rowley*; and speaking of the King, he said, he came of the Race of Buggerers, for his Grandfather, King *James*, buggered the old Duke of *Buckingham*; and he called him *Captain*, and sometimes the King, and sometimes *Rowley*.

Mr. Serj. Jefferies. This was pure Protestant discourse upon my word.

Haynes. Then he railed at Judge *Pemberton*; and, said he, let him try *Fitz-Harris* if he dare; I shall see him go to *Tyburn* for it, I hope, a Turn-coat Rogue. He was for the Plot whilst he was *puisne* Judge, but now he is Chief Justice, he is the greatest Rogue in the World. He is like one of the Pentioners in the long Parliament. So one day I went along with Mrs. *Fitz-Harris*, and Mr. *Ivy*, and he sent a Man to me, and desired me to come to the Hog in Armor; thither we came, and met him, and went to his Lodgings, and there we dined. Then they made some Persons of Honour believe, that I was a Person so and so qualified, and was brim full of the Plot; and he would put me upon charging the King with the firing of *London*, and the murder of Sir *Edmondbury Godfrey*, and, said he, such and such Lords shall live and die by you; and besides, said he, you need not fear *England* shall espouse your Cause. But, said I, the Law is like a Spiders Web, that catches the little Flies, but the great Flies run through the Net, and make their escape; so 'tis with these Lords, they put you and me on the danger of acting; and when they get off by interest, a Jury of 12 Men will hang us by the Neck, and so I should perish, whilst others triumphed, and only be a Martyr for the Phanaticks. So in discourse we were talking of the Libel of *Fitz-Harris*; The Devil take me, said he, every individual word is as true as God is in Heaven; and, said he, if you do not joyn with *Fitz-Harris* in his Evidence, and charge the King home, you are the basest fellow in the World, for he makes you slaves and beggars, and would make all the World so; and 'tis a kind of charity to charge him home, that we may be rid of such a Tyrant.

Mr.

Mr. Serjeant Jefferies. Mr. Colledge, if you will ask him any Questions, you may.

Colledge. Certainly, my Lord, the thing speaks it; he is not to be talked withal; Is it probable I should talk to an *Irish-man* that does not understand Sense?

Haynes. 'Tis better to be an honest *Irish-man*, than an *English* Rogue.

Mr. Serjeant Jefferies. He does it but to put you into a heat, don't be passionate with him.

Haynes. No, I am not, I thank God he hath not put me into an heat.

Colledge. Where was this discourse about superseding your Warrant?

Haynes. At *London*.

Colledge. When?

Haynes. It was before the Parliament sat at *Oxon*.

Colledge. How long?

Haynes. I can't tell positively to an hour or a day.

Colledge. What Moneth is near as you can?

Haynes. It was in the Moneth of *March*.

Colledge. Had you ever seen me before?

Haynes. Can you deny that?

Colledge. I ask you whether you have or no?

Haynes. Yes, I have seen you in the Coffee-Houses bawling against the Government.

Lord Chief Just. Were you an intimate Acquaintance of his before *March* last?

Haynes. No intimate Acquaintance.

Colledge. Then this is the first time you discoursed with me.

Haynes. Oh, no my Lord. One and I fell out at the Queens-Head Tavern at *Temple Barr*, and he sat me upon the business, and *John Macnamarra* and others, and truly I did the business for him. For we fell out and did box, and our Swords were taken from us, and I went to *John Macnamarra* and told him, Yonder is such a man at such a place, now you may seize upon him.

Colledge. What man was that?

Haynes. One *Richard Ponre*.

Colledge. He belonged to my Lord *Tyrone*, I think, there were Warrants to take him. Do you say I set you upon that?

Haynes. Yes, you were with me the Night before, and Capt. *Browne*, and they gave us a Signal, a Blew Ribband to distinguish that we were Protestants from the Bishops men.

L. Ch. Just. When were you to make Use of it?

Haynes. When the King was seized.

Mr. Serjeant Jefferies. Well, go on, have you any more?

Haynes. But, my Lord further, after he came from *Oxon*. I met him, and said I, Where are now all your Cracks and Brags? now you see the King hath made a Fool of you; now you know not what you would have done. Says he, What would you have us do? We have not done with him yet: for, said he, no Servant, no man living did know whether he would Dissolve the Parliament that day. I was that very nick of time at the Lobby of the Lords House, and there was a man came in with a Gown under his Arm, and every one looked upon him to be a Taylor, and no body did suspect, no not his intimatest Friends, except it were *Fitz Gerald*, that he would Dissolve the Parliament that day; but presently he puts on his Robes, and sends away for the House of Commons; and when he had Dissolved them, before ever the House could get down, he took Coach and went away, otherwise the Parliament had been too hard for him; for there was never a Parliament-Man but had divers armed men to wait on him, and I had my Blunderbuss and my man to wait upon me. But well, said he, there is a God above will rule all.

Mr. Att. Gen. Call Mr. *Turberville*.

Colledge. Hold, Sir, I desire to ask him some Questions. You say the first time that I saw you, you had this discourse with me.

Haynes. Do not use Tautologies, 'Tis not the first time I have been Examined, I know how to speak as well as you.

Colledge. Answer my Question, Sir.

Haynes. You know it was after I had made Affidavit before the Recorder of London, a Copy of which was carried to that Noble-man; And you came from him and returned me his Thanks, and told me it was the best Service I could do him. I would not trouble the Court with Circumstantial things; and you told me I should be gratified not only in my own Property, but a Reward for me and my heirs for ever.

Mr. Att. Gen. For what?

Haynes. I made Affidavit before the Recorder of London.

Colledge. About what?

Haynes. Concerning one *Fitz Girald*.

Mr. Att. Gen. Is it to this matter?

Haynes. No, nothing at all.

Lord Chief Just. Let him ask any Questions what he will.

Colledge. I ask when it was the first time you were acquainted with me so much as to know me well?

Haynes. As to the first time of intimacy, here is *Macnamarra* will take his Corporal Oath that I was as well acquainted with him as any one in the World.

Colledge. Pray answer me, Sir, When was the first time I talked to you?

Haynes. The first intimate acquaintance we had, was when you put me upon the Design about *Fitz Girald*.

Colledge. Pray Sir, You go too fast already, as you are still gallopping; where was this discourse about his Majesty?

Haynes. I told you before.

Colledge. What was it?

Haynes. I went to you after the Affidavit was made, and told you there was a Warrant out after me, and desired you to go to *That* Noble-man and desire his Advice what I might do, or whether I might supersede the Warrant. You told me you could do nothing without advice, and you would go and advise with *That* Noble-man.

Colledge. My Lord, here is Mr. *Turberville* come in, they will over-hear one another; pray let me have fair Play for my Life.

(whereupon *Turberville* withdrew.)

L. C. Just. Can't you answer him? when was the first time you came acquainted with him?

Mr. Serj. Jefferies. When was the first discourse you had with him?

Haynes. In April last.

Colledge. You say it was before the Sitting of the Parliament, and that was in March.

Haynes. I meant in March.

Colledge. So indeed you said at first.

Mr. Serj. Jefferies. He never did say the day of the Month, nor the Month neither.

Mr. Jones. How long was it before the Sitting of the Parliament?

Haynes. Mr. Jones, truly I do not remember precisely how long it was before the Sitting of the Parliament, but I am sure it was before.

Mr. Serj. Jefferies. I did take it that he said it was before the Sitting of the Parliament, and now he says in the Month of March. Pray at that time he talked to you, did not he tell you of the Sitting of the Parliament, and that they would stand by you?

Colledge. He hath said it already, you need not direct him, Sir *George*, he goes fast enough. But you say, Sir, the first time I ever was acquainted with you was in March, then Gentlemen consider whether it be probable that at that time I should discourse to him after this manner.

L. C. Just. No, I will tell you what he says, He said the first time he was intimately

mately acquainted with you, was in *Mareh*, he said he had before seen you in Coffee-houses, and he is sure it was before the Sitting of the Parliament; for he tells you the discourse you had, and by that discourse it appears, it related to a Parliament that was afterwards to Sit. And then to give you a more particular Circumstance, he says that you put him upon the making of the Affidavit about *Fitz-Girald*, and so you came acquainted.

Haynes. Ask Mr. Attorney. My Lord, that day he was taken and carried to *Whitchall* before the Secretary of State; He said, I do not know who it should be that should accuse me, I believe it is *Ivy*; as for *Haynes*, he was taken t'other day; he was an honest man.

Colledge. You say I desired you to make an Affidavit, was it after that or before I had that discourse with you?

Haynes. It was after. For I came and desired you to go to such a Person of Quality, and you went to him and advised with him; and then the next Morning such discourses I told your Lordship and the whole Court of, he told me.

Colledge. Did I speak these Treasonable words after the Affidavit made?

Haynes. You said I must make such an Affidavit concerning *Fitz-Girald*.

Colledge. But was this Treasonable discourse before you made the Affidavit, or after?

Haynes. After the Affidavit made, you told me this. When I came to his house, and from thence, we went to the *Hercules Pillars*.

Mr. Sol. Gen. Will you ask him any more Questions, Mr. *Colledge*?

Colledge. Did you ever speak with me in your Life before *Macnamarra* did call me out of the Coffee-House to go along with you, where you would discover a design against my Lord *Shaftesbury's* Life?

Haynes. I told you I never had any intimate acquaintance with you in my Life before, nor did I ever speak with you before.

Colledge. When was that discourse, I ask you once again?

Haynes. After the Affidavit made.

Colledge. That Night?

Haynes. Within a Week or thereabouts after the Affidavit made.

Mr. Att. Gen. Call Mr. *Edward Turberville*. But Mr. *Haynes*, I would ask you one Question, Did he deliver you any Ribband as a mark of distinction.

Haynes. Yes, here it is. (and it was shewd to the Court.)

Then Mr. *Turberville* was sworn.

Mr. Serj. Jeff. Pray Mr. *Turberville* will you tell my Lord and the Jury what discourse you had with Mr. *Colledge*, and where, and when?

Mr. Turberville. When the Parliament sat in *Oxon*, about the middle of the week, I can't be positive in the day, but I think it was in the middle of the Week I dined with Mr. *Colledge*, Captain *Brown* and *Don Lewes* Clerk of *Derby-House* at the *Chequer Inn*. After Dinner *Don Lewes* went out about some business, and Captain *Brown* went to sleep; Mr. *Colledge* and I fell talking of the Times, and I was observing, I thought the Parliament was not a long lived Parliament. Said he, There is no good to be expected from the King; for he and all his Family are Papists, and have ever been such, you know it, Sir.

Mr. Serj. Jeff. Nay don't appeal to him.

Mr. Turberville. Said I, The King will offer some thing or other by way of surprize to the Parliament. Said he, I would he would begin; but if he do not, we will begin with him and seize him; for there are several Brave Fellows about this Town that will secure him till we have those Terms that we expect from him.

L. C. Just. Where was this?

Mr. Turberville. At the *Chequer-Inn* in *Oxon*.

L. C. Just. What said he further?

Mr. Turberville. He said he had got a Cafe of Pistols, and a very good Sword and a Velvet Cap; and I can't be positive he had Armour on, but I believe he had.

Mr. Att. Gen. Did he tell you he came down for that purpose to seize the King?

Mr.

Mr. Turbervile. Yes, and he gave me a piece of Blew Ribband to put in my Hat, he had a great Quantity of it.

Mr. Att. Gen. What was that for ?

Mr. Turbervile. To be a distinction if there should be any disturbance when the thing should be done.

Colledge. What thing done ?

Mr. Turbervile. I knew nothing but of your telling me of it.

Colledge. Where was this ?

Mr. Turbervile. At the *Chequer-Inn* in *Oxon*, *Mr. Colledge.* You talk much and can't remember all you say.

Mr. Att. Gen. What did he discourse to you about Arms and an Horfe.

Mr. Turbervile. I told him I had never an Horfe, and nothing but a Case of Pistols; he bid me I should not trouble my self, for he would get me an Horfe.

Colledge. What to do ?

Mr. Turbervile. To carry on your design, I know not what it was, but by your words.

Mr. Att. Gen. Tell what he said of it at the *Chequer* Inn.

Mr. Turbervile. He said there was a Design to Seize the King.

Mr. Att. Gen. Did he desire you to be one of them ?

Mr. Turbervile. He did desire me to be ready to assist.

Mr. Jones. And how much of that Ribband had he, pray ?

Mr. Turbervile. A very great quantity, 40 or 50 Yards.

Mr. Sol. Gen. Pray *Mr. Turbervile* will you give your Evidence over again, and let *Mr. Colledge* attend to it.

Mr. Turbervile. When the Parliament sat at *Oxon* about the middle of the Week, I cannot be positive to a day; I believe it was either *Wednesday* or *Thursday* I Dined with *Mr. Colledge*, *Capt. Browne*, and *Don Lewes*, who was formerly Clerk of *Derby House*. *Don Lewes* after Dinner went out, and *Capt. Browne* laid him down on the Bed, and *Mr. Colledge* and I fell a talking of the Times, and I told him, I thought this Parliament would be no Long-Lived Parliament. Upon which *Colledge* told me the King and all his Family were Papists, and there was no good to be expected from him. Then I replied, The King would perhaps Surprize the Parliament, or use some Stratagem to bring them to his Terms. Said *Mr. Colledge* again, I would he would begin; but if he do not, we will secure him till he comes to those Terms we would have from him; for here are several Brave Fellows, and many more are coming down that will joyn with it.

Mr. Att. Gen. Did he name any one ?

Mr. Turbervile. No indeed, he did not; he himself had a Case of Pistols, a Sword, and I believe he might have his Armor on.

Colledge. Did I discourse who were to joyn with me ?

Mr. Turbervile. No, *Mr. Colledge*, you did not name any body to me, but *Capt. Browne* was with you.

Mr. Att. Gen. Were you Examined in my Lord *Stafford's* Tryal ?

Mr. Turbervile. Yes, I was.

Mr. Att. Gen. Was this Gentleman sworn to your Reputation there ?

Mr. Turbervile. No, not to mine.

Colledge. Pray how come we to talk of such things ? What occasion was there that I should talk Treason of the King to you ? Was there any body besides us two there ?

Mr. Turbervile. No, *Capt. Browne* was gone to sleep, and *Lewes* was gone out.

Mr. Att. Gen. It was not at Dinner that you talked so, *Mr. Colledge*, he says.

Colledge. Had they been at Dinner with us there ?

Mr. Turbervile. Yes, and we had a Legg of boyled Mutton to Dinner.

Colledge. Did you stay after Dinner ?

Mr. Turbervile. Yes, and I lay with you afterwards upon the Bed.

Colledge. I thought you had said *Capt. Browne* went to sleep there.

Mr. Turbervile. Yes, but he was gone too, when we laid down together.

Colledge.

Colledge. God forgive you, I can say no more, I never spoke one word of any such discourse in my Life.

Mr. Att. Gen. Will you ask him any more Questions?

Colledge. Mr. *Turberville*, when did you give in this Information against me?

Mr. Turberville. I gave it to the Grand Jury.

Colledge. Not before?

Mr. Turberville. Yes, I did.

Colledge. When was it?

Mr. Turberville. Truly I can't well tell, I believe it was a day or two before I came to *Oxon*.

Colledge. Why did you make it then, and not before?

Mr. Turberville. Ple tell you the occasion. Mr. *Dugdale* told me the Grand Jury of *London* would not find the Bill; I did admire at it extreamly: for I thought every one that conversed with him might be an Evidence against him; he was always so very lavish against the King and the Government. So then Colonel *Warcup* came to me and took my Depositions, and then I came for *Oxford*.

Colledge. What was the reason you did not discover this Treason before?

Mr. Turberville. There was no reason for it, it was not necessary.

Colledge. You were not agreed then.

Mr. Turberville. There was no agreement in the Case, there needs nothing of that I think; but I am not obliged to give you an account of it.

Colledge. God forgive you Mr. *Turberville*.

Mr. Turberville. And you too, Mr. *Colledge*.

Mr. Att. Gen. Then call Sir *William Jennings*.

Mr. Serjeant Jefferies. Mr. Attorney, if you please, till he comes, I will acquaint my Lord here is a Gentleman that hath not yet been taken notice of, one Mr. *Masters*, that is pretty well known to Mr. *Colledge*; now he is a man, he must acknowledge, of an undoubted Reputation, and I desire he may give your Lordship and the Jury an accompt what he knowes of the Prisoner; because he is so curious for *English-men*, we have brought him an *English-man* of a very good Reputation.

Colledge. My Lord, I am charged with Treason in this Indictment; here are a great many things made Use of that serve only to amuse the Jury, I can conjecture nothing else they are brought for; I desire to know whether the Pictures produced are part of the Treason.

L. Ch. Just. Stay till the Evidence is given, and we will hear what you can say at large when you come to summe up your Defence.

Mr. Serjeant Jefferies. Pray, my Lord, will you be pleased to hear this Gentleman. He will tell you what discourse he hath had with the Prisoner at the Barr.

Then Mr. Masters was sworn.

Mr. Masters. Mr. *Colledge* and I have been acquainted for a great many Years; and we have often discoursed. I have told him of his being so violent as he hath been several times. But a little before the Parliament at *Oxon*. about *Christmas* last after the Parliament at *Westminster* at Mr. *Charlton's* Shop the Woollen Draper in *Paul's* Church-Yard, we were discoursing together about the Government, and he was justifying of the late long Parliaments Actions in 40; and he said, That Parliament was as good a Parliament as ever was chosen in the Nation. Said I, I wonder how you have the Impudence to justify their Proceedings that raised the Rebellion against the King, and cut off his head. Said he, They did nothing but what they had just Cause for, and the Parliament that sate last at *Westminster* was of their Opinion, and so you would have seen it.

Mr. Serj. Jeff. What did he say of the Parliament since?

Mr. Masters. He said the Parliament that sate last at *Westminster* was of the same Opinion that that Parliament was.

Mr. Serj. Jeff. Pray afterwards what discourse had you about his Colonel-ship.

Mr. Masters. We were talking at *Guild-Hall* that day the Common-Council was, the 13th of *May* as near as I remember, so I came to him, How now *Colledge*, said I, what do you make this bustle for? You mistook me and said, Cozen how long have you and I been Cozens; Nay prithee, said I, 'tis not yet come to that, to own Kindred between us, I only called you Colonel in jest; Marry mock not, said he, I may be one in a little time.

Mr. Serj. Jeff. Have you any thing to ask *Mr. Masters*? you know he is your old acquaintance, you know him well.

(*Then Sir William Jennings was sworn.*)

Mr. Jones. What is it that you know concerning *Mr. Colledge* at *Oxford*, Sir?

Sir William Jennings. My Lord, The first time that I heard any thing of *Mr. Colledge*, was, there was some Company looking upon a Picture, for I knew him not, nor never had any word of discourse with him in my life any more then seeing him in a publick Coffee-house. But there was a Picture looking on by 7 or 8 or 10 People, I believe more or less, and I coming and crowding in my head amongst the rest, looked upon this Picture. After the Crowd was over, *Mr. Colledge* takes a Picture out of his Pocket, and said he, I will give you one of them if you will. So he gives me a Picture; which Picture if I could see, I could tell what it was; it was written *Mac a Top*, and there were several Figures in it.

(*Then the Picture was shewed him.*)

This is one of the same that I had of him, and I had not had it long in my Custody, but meeting with *Justice Warcupp*, I shewed it him, who bid me give it him, and so I did. The next thing that I did see *Mr. Colledge* do, was in the Coffee-house, not the same day, but another time. I saw him bring in a parcel of blew Ribband which was wrought, and these words eight times wrought in it, twice wrought in every Quarter of a Yard, *No Popery, No Slavery*. I saw him sell to a Member of Parliament, as I took him to be, a yard of that Ribband for 2 s. and truly I was thinking he would ask me to buy some too, and I saw that Gentleman (I took him to be a Parliament man) take this Ribband and tye it upon his Sword. As to the other thing I have to say of *Mr. Colledge*; That very day the Parliament was Dissolved, he had been in a Quarrel, as he told me, with *Mr. Fitz Gerald*; and I was standing in the Schoole-house Yard, and he comes directly to me without my speaking to him or any thing; but he comes and tells me *Mr. Fitz Gerald* had spit in his face, and, said he, I spit in his face again; so we went to *Loggerheads* together, I think that was the word, or fifty Cuffs. So, said I, *Mr. Colledge* your Nose bleeds; he takes his handkerchief out of his Pocket and wipes his Nose, and said, I have lost the first blood in the Cause, but it will not be long before more be lost.

L. C. Just. Where was this?

Sir William Jennings. In the Schoole-house Yard at *Oxon*. I never discoursed with him afterwards till I met him at *London* in *Fleet-Street* one Sunday in the Afternoon, and I remember *Captain Crescott* was along with me. And when he came up to me, How now, said I, honest Joyner? Sayes he, You call me honest Joyner, some call me Rogue and Rascal, and I have been beating some of them. So that I believe they will be aware of it. So I told *Captain Crescott* I never met this man but he was always in a Quarrel.

Colledge. Was it on a Sunday that I told you I had been beating of some body?

Sir William Jennings. You told me so, *Captain Crescott* was by.

Colledge. I do remember I met you, but I did not tell you I had been then beating any one. But pray, *Sir William*, when I met you after the Parliament was Dissolved, and *Fitz Gerald* and I had quarrel'd, did I say, That I had lost the first blood in the Cause, but it would not be long ere more were lost. *Sir William*, you are a Gentleman

Gentlemen as for the other men, they don't care what they say, nor do I so much regard them, but you value your Word and Honour; These were my words, and pray will you recollect your self before you be positive in the thing, whether I did not say, I have lost the first blood for the Parliament (for it was upon my vindicating of the Commons and Doctor *Oates* whom *Fitz Gerald* had abused, and upon that the Quarrel began; so I said when you met me, and told me, my Nose bled, *I have lost the first blood for the Parliament*) *I wish it may be the last.*

Sir William Jennings. Mr. *Colledge*, If you please I will answer you as to that, I do assure you 'tis the first time that ever I came upon this occasion in my days, and I have declared it before, and do declare it now, I would rather have served the King in 3 Engagements, then come in against you or any man upon such an Occasion. But I declare to you upon the whole memory of the truth, the words were as I spoke them at first, and no Parliament named or mentioned. And, my Lord, moreover, I will tell you, When I did tell this story, because Mr. *Crescott* that is here is able to tell you whether I did not relate the words within half an hour, or a little time after. Now I never had a prejudice against you in my days, nor other Concern, but having told Mr. Justice *Warcupp* this Story, I am brought hither to testify it.

Colledge. Sir *William*, I am very sorry you did not better observe and remember my words then.

Sir William Jennings. I must needs say, I could not imagine what the words meant when they were spoken, nor do I understand them to this day; but soon after they were spoken, I related them to Justice *Warcupp*, he being a Justice of Peace.

Mr. Serj. *Holloway.* Gentlemen, we shall rest here, and conclude our Evidence for the King at present, to hear what the Prisoner says to it, only with my Lords leave I shall explain the words to you that are in the Indictment, and tell you what is meant by Compassing and Imagining the Death of the King. The Seizing the Person of the King, is in Law a Compassing and Intending his Death; and so it hath been adjudged in several Cases, as in *1 Jacobi*, my Lord *Cobham* and my Lord *Greys* Case, and several other Cases; and so you may fully apprehend what the Charge is, and may understand the words in the Indictment, That if you are not satisfied with the general words of Compassing the King's Death, you may know, that the Seizing his Person extends to it.

Mr. Serj. *Jefferies.* My Lord we have done with our Evidence, now let him go on with his.

L. Chief Justice. Now Mr. *Colledge* you may say what you will for your defence; and call your Witnesses that you have to produce.

Colledge. My Lord, I have heard this Evidence that is against me, and I would desire your Lordship to resolve me some Questions upon it. I think the Indictment is for Treasonable Practices, for a Conspiracy; now I desire your Lordship will be pleased that I may know from you and the Court, whether in all this Evidence given in proof against me, a Conspiracy is proved; or if any thing appears besides what they say I said.

L. Chief Justice. For a Conspiracy in you, If the Witnesses speak Truth, there is a plain proof, and of the degrees of it: First of all, By your publishing Libels and Pictures to make the King Odious and Contemptible in the Eyes of the People, and that you should be the Author of some of those Pictures, and they were found in your Custody.

Colledge. I conceive that is not proved.

L. Chief Justice. If the Witnesses say true, it is proved.

Colledge. They

Colledge. They do not produce that, they do but say it.

L. Chief Justice. Mr. *Dugdale* Swears, That at *Oxford* here, you shew'd him the Picture, you sung the Song here, and expounded it at my Lord *Lovelace's*, and a great many of them are found in your Custody. Then that you prepared Armes, that you shew'd *Smith* the Arms in your House, and having those Arms, you said, You would go to *Oxford*, and if there should be a disturbance there, you would secure the King. And you did come to *Oxford*, where you hear what is said; for I Observe, *Stephen Dugdale* and *Edward Turberville* speak of what was done at *Oxford*. *John Smith* and *Bryan Haynes* speak of what you said at *London* before you went to *Oxford*, and after you came from *Oxford*. Now I say, If these Witnesses speak true, 'tis a strong Evidence against you, both upon the Statute of the 25 *Edw.* the 3^d. and that of this King too. For my Brother *Holloway* told you true, That whereas the Imagining the Death of the King is High Treason, by the 25 of *Edw.* the 3^d. so a Seizing of the King, and an endeavor to do that, is a constructive Intention of the Death of the King; for Kings are never Prisoners, but in order to their Death. And therefore it hath been held in all times, that by the Statute of *Edw.* 3^d. that was Treason; but then the Statute of this King, in the 13 Year of his Reign, is more strong; for there it says, If any man shall by any words or malicious speaking shew the Imagination of his Heart, that he hath any such Intention, that is Treason too.

Colledge. My Lord, the Foundation of this Indictment is said to be laid here in *Oxford*, as I suppose; pray, my Lord, here is only Mr. *Dugdale* and *Turberville* that Swear against me for what I should say in *Oxon*, all the rest speak to things said and done at *London*. Now, my Lord, I desire to know, whether they have proved any Treasonable Practices, Conspiracy or Design in me against the Government, I would feign know that, whether there be matter here to ground an Indictment upon; for the one says in one place, the other in the other, which may be distinct matters, and none of them Swear Facts against me, but only Words.

Mr. Justice Jones. Yes, providing Arms for your self, and offering others Arms.

Colledge. That I shall make this Answer to, I had only a Case of Pistols and a Sword, which every Footman and Horseman had, that came from *London*, I think. But further my Lord, I would ask your Lordship, whether there ought not to be two Witnesses distinct, to Swear words at one and the same time.

Mr. Justice Jones. No, No, the Resolution of the Judges in my Lord *Stafford's* Case, is contrary.

L. Chief Justice. Look you, It hath been often Resolved, That if there be one Witness that proves one Fact which is an Evidence of Treason, and another proves another Fact, that is an Evidence of the same Treason, tho' they be but single Witnesses to several Facts, yet they are two Witnesses to an Indictment of Treason; that hath been often publicly Resolved, particularly in the Case of my Lord *Stafford*, mentioned by my Brother. And I'll tell you my Opinion further, If there be one Witness that proves here what you said at *Oxford*, and another that proves what was said in *London*, if they be in order to the same Treason, it is sufficient; for if you do Conspire to commit such a Treason in *London*, and you come with such an Imagination in your Heart to *Oxford* to compleat this Treason, tho' your design was not first formed there, I think 'tis enough to maintain an Indictment of Treason, and they are two good Witnesses, tho' but one speak to what was done at *Oxford*; but I must tell you, in your Case, there are two full Witnesses to that which was done at *Oxford*, besides Sir *William Jennings*.

Colledge. That which Sir *William Jennings* speaks of, I told you before what it was I said, *It was the first Blood that was shed for the Parliament.*

Mr. Just.

Mr. Just. *Jones*. The Parliament was Dissolved before that which Sir *William Jennings* speaks of, therefore you could not say it was to defend the Parliament.

Colledge. Mr. *Dugdale* did say that I spake such and such words in the Barber's Shop in the *Angel Inn*; there I was indeed at the time that he does speak of, and the Barber was by, I do think, indeed it were convenient to have him here; but I knew not where he would charge me, or what it was he would charge me with, because I never said any thing in my Life that was like Treason.

Lord Ch. Just. Mr. *Colledge*, call any Witnesses you will.

Colledge. But, my Lord, pray let me ask you one Question more; You take these words distinct from any matter of fact, don't you?

L. Ch. Just. No, complicated with the Fact, which was the Overt-Act, the coming to *Oxon.* with Pistols to make one if there had been any disturbance, and to Seize the King.

Colledge. Then, my Lord, I would ask you, Whether any Act of Treason done at *London*, shall be given in Evidence to prove the Treason for which I am now Indicted, and which was given in Evidence before the Grand Jury, upon which the Tryal was there grounded.

Lord Ch. Just. Any Act of Treason that is of the same kind. And I'll tell you, That was Resolved in Sir *Henry Vane's* Case; those that gave you that Paper understand it. But I speak now to your Capacity, and to satisfy your Question. He was Indicted for Levying Warr against the King, he Conspired in *Westminster*, the War was Levied in another County; the Conspiracy upon the Tryal was proved in the County of *Middlesex*, and the Warr in another place, and yet it was held sufficient to maintain the Indictment in the County of *Middlesex*.

Colledge. There was a Warr really Levied, but God be thanked here is only bare words.

Mr. Just. *Jones*. Yes, Actions too.

Colledge. What Actions, my Lord?

Mr. Just. *Jones*. Arming your self, and coming to *Oxford*.

Lord Ch. Just. Well; I have told you my Opinion; My Brothers will speak theirs, if they think otherwise.

Mr. Just. *Jones*. That is not your Case neither tho I am of the same Opinion with my Lord; for here are two Witnesses have proved plain matter of Fact at *Oxford*; the providing Arms your self, and encouraging others to take Arms—

Colledge. They name no Persons.

Mr. Just. *Jones*. You will have my Opinion, and yet you will give me no leave to speak; I had patience to hear you: You are told there are two Witnesses, *Turberville* and *Dugdale*, that prove your providing and having of Arms at *Oxon.* and perswading others to take Arms, particularly *Turberville*, He told you he had no Arms, or but a Case of Pistols, and he had no Horse; but you told him you would provide him an Horse. And then there are two other Witnesses, *Smith* and *Bryan Haynes*, they do not tell you of any thing done at *Oxford*, but they tell you what you said in their hearing of what you had done in *Oxon*, and so I think if the Witnesses are to be believed, there is a very full proof against you.

Mr. Just. *Raymond*. I am of the same Opinion truly, and I cannot find, but that there is proof enough by two Witnesses, *Turberville* and *Dugdale*, of what was done at *Oxford*. They swear matter of Fact, not words only, but actions also.

Colledge. No fact, but that I had Pistols and a Sword, and that I should tell Mr. *Turberville* I would provide him an Horse, which is still but words.

Mr. Just. *Jones*. But you shall hear anon for the full Conviction of you and all others, the Statute of the 13th of this King read to you, and you shall there see that such words are made Treason.

Colledge. But I beseech your Lordship to tell me whether there must not be two Witnesses to the same words at the same time.

Mr. Just. Jones. No it was the resolution of all the Judges in the Case of my Lord *Stafford* in the presence of the Parliament, and the Parliament proceeded upon it.

Mr. Serj. Jefferies. In the same Tryal where *Mr. Colledge* was a Witness.

Mr. Att. General. All the whole House of Commons prayed Judgment upon my Lord *Stafford*, pursuant to that resolution.

L. C. Just. Come will you call any Witnesses?

Colledge. My Lord, I do not question but to prove this one of the Hellishest Conspiracy that ever was upon the face of the Earth, and these the most notorious wicked men, an absolute design to destroy all the Protestants of *England*, that have had the Courage to oppose the Popish Plot. In which no man of my condition hath done more than I have done. I was bred a Protestant, and continued so hitherto, and by the grace of God I will dye so. If that they had known of these words that I should speak, and such a Design that I should have before the Parliament sat at *Oxon*, and be with me in *Oxon* when the Parliament sat, if they had been good Subjects, they ought to have had me apprehended. *Turbervile* came several times indeed, and dined with me. I did not bid him go out of Doors, nor invited him thither; he was a man I had no disrespect for, Nay he was a man I valued, thinking he had done the Nation service against the Papists, that this man should hear me speak such words against his Majesty, who was then in this Town, and know of such a dangerous Design to attempt the seizing his Person, or that I should Discover a great Party that were ready to do it, I think there is scarce any man of reason, but will say, if this were really done and spoken by me, neither of them would or ought to have concealed it but discover it, none of them has ever charged me with any such thing, they have been in my Company since. I never had any Correspondence with any of them but *Dugdale*, then pray consider how improbable it is, that I should talk of such things to Papists, Priests, and Irish-men, who have broke their faith, with their own Party, that faith which they gave under the penalty of Damnation, Men that have been concerned in Plots and Treasons, to murder and cut the Throats of Protestants, that I should be such a Madman to trust these People, when I could receive no manner of Obligation from them, nor could give any Trust to them, they having before broke their Faith; especially, considering I could lay no such Oaths and Obligations upon them, who was a Protestant; then 'tis the greatest Non-sense, to believe that I would say these things before Persons whom I could never hope would conceal my Treasons, having discovered their own. If they speak Truth concerning the general Popish Plot, that could be no Obligation upon me, to trust them with another; and they cannot say, that they ever obliged me in any one respect. My Lord, I thank God I have had some Acquaintance in the World, and have been concerned with some persons of Honour, Noblemen, and Parliament men, that I know are as good Subjects as any his Majesty has; these never found me a Fool, nor a Rascal, so great a Knave, as to have any such Thoughts in my Heart, nor so great a mad-man, or so foolish, as to go to discover them to Papists, Priests, and Irish-men, to men of their Condition, that were ready to starve for Bread. As for *Haynes* and *Smith* that run so fast through all their Evidence, the first time that ever I set my Eyes on *Haynes*, was in the Coffee-house that he speaks of; *Macnamarra* comes in, and desires me to go out with him, and I should hear the greatest Discovery of a piece of Villany against my Lord *Shaftsbury's* Life, that ever I heard in my Life. This Captain *Brown* who is now dead, a man that I had not known but a Month before, (for I think it was in *March* last when this was) could testify for me; for, I came to him, Captain, said I, here is a Discovery offered to be made to me, of a Design to take away my Lord *Shaftsbury's* Life. *Macnamarra* asks me to go to the *Hercules Pillars*, I went along with him, and took Captain *Brown* with us. Afterwards he fell sick in *April*, and is now dead, so I lost a main Evidence in the Case. He was the only man that was by at the time; God knows my Heart, I speak nothing but the Truth, I took him with me, *Haynes* began to discover to us, that *Fitz-Gerald* had employed him to fetch over

over *Macnamarra*, and if he would come in, and Swear against my Lord of *Shaftesbury*, which was his Design, it would not be long ere his Head were taken off, and he said, He had given in a Paper of High Treason against my Lord of *Shaftesbury*, I asked what it was, he told me, That my Lord should tell *Fitz Gerald* that he had a Design to bring this Kingdom to a Common Wealth, and to rout out the Family of the *Stuarts*. This he said, *Fitz Gerald* had given in in a Paper, under his own hand; and I think he said, He had Sworn it, and sent *Haynes* to fetch *Macnamarra* to Swear against my Lord the same things too. I writ down all the heads of the discourse which Captain *Brown* heard as well as I, after he had said it, he desired us to conceal it, Sir said I, You are a stranger to me, and these are great and strange things that you do tell us, *Macnamarra* and *Brown*, and *Izy*, and others were there, which (if they were honest men) they would come and Testifie. I thought them honest men, and that they had none of those wicked Designs in their Hearts, that now I find they have. So says *Haynes*, *I do not know this man*, meaning me; *Macnamarra* told him, *I was an honest man, he might lay his Life in my hands*. After he had spoken all this, he desired us to conceal it; Said he, *I will not only discover this, but a great deal more of their Rogeries that I know very well*; Said I to him again, *I will not conceal it, nor do you no wrong, for if this be true, my Lord of Shaftesbury shall know it to night; for where there is a design to take away a Peer of the Realm, I will not conceal it; but if it be false, and you have said more then comes to your share, Recant it again, and we will take no notice of it, only say you are a Knave for speaking of it; be Swore Dam him it was all true, that, and a great deal more, which he said he knew, about Seizing and Destroying the Parliament at Oxon, about an Army in the North that was to be Raised about the time of the Sitting of the Parliament at Oxon, of a French Army that was to Land in Ireland at the same time, that the Duke of York was to be at the Head of them, and the intention was, to destroy all the Protestants*. Upon this, I was Resolved, if I lived, to come along with the Parliament, and if there was any such Design, I was Resolved to Live and Die with them, but I had no more then Common Arms, a Sword and a Case of Pistols, my Cap was a Velvet Cap, and nothing else. My Lord, I had the Honor to be sent for, when the Parliament Sat last at *Westminster*, the Sessions in *October*, it was an Honourable occasion, and I thank those worthy Gentlemen that sent me for the Honor of it, there I begun to be popular as to my Name, for from that time they began to call me the Protestant Joyner, because the Parliament had intrusted me. My Lord *Crey* was pleased to send his Footman for me to the *Crown Tavern* behind the *Exchange*, where there were several worthy Lords, Peers of the Realm, and One Hundred of the Commons, that had Dined there that Day, it was the Day before they Sat; after they had Dined I came to them, and the Duke of *Monmouth* told me, They had heard a good Report of me, that I was an honest man. that understood Building, and they did Confide in me to search under the Parliament Houses, they did not really know of any Design, but they would not be secure, there might be some Tricks play'd them by the Papists, tho' we are not afraid of them, said the Duke, yet we think fit to employ you to search under the Houses, and thereabouts, whither you can find any such Practices. So accordingly my Lord, I did go, my Lord *Lovelace* was one of the Honourable Lords, and my Lord *Herbert* that went with me, and some of the Gentlemen of the House of Commons; and those worthy Protestant Lords were pleased to thank me for my Service, and did believe I was Active and Zealous to find out and discover the bottome of the Popish Plot, so far as it came legally in my way to do it. My Lord, upon this occasion, there was a great kindness from them to me, and I had upon all occasions Testimonies of it; and this very man who now Swears Treasons against me (which God Almighty knows is all false) did Swear in his Affidavit before Sir *George Treby* the Recorder of *London* (I did never see the Affidavit, indeed I was over night at Sir *George Treby's*, but he was not then at leisure, but he drew it up next day, and Swore it) that there was a Design to destroy the Parliament at *Oxon*, and there was not only his Oath for it, but it was the general belief, that some Evil was intended them. All men had cause to fear and to suspect, the Papists did bear them no great good Will; and making use of their own Observations, they were generally Armed with a Pistol, or a Sword, for themselves, in case they should be Attack'd by the Papists. In order to this, I did come down with my Lord *Howard*, my Lord of

Clare,

Clare, my Lord of *Huntington*, and my Lord *Pagett*, those four worthy Protestant Lords; and it was two days after the Parliament was sat, that we came, and I went out of Town again with my Lord *Lovelace*, Sir *Thomas Player*, and Sir *Robert Clayton*; and I am sure, they were all in so great a Fear that *London* should be surprized and seized on by the Papists, but there was no mortal man that ever heard of the Kings being seized, or thought of it, till these men come and tell me, that I had such a Design, and came hither with that purpose; but my Lord, I declare as God is my Judge, I would not have it thought I speak it to save my Life, were it as certainly a Truth, as 'tis most wickedly a Falshood, that I had had a design to seize the King, I know not of one man upon the Face of the Earth, that was to stand by me, Parliament-man, or other persons whatsoever; And how it is possible for me to attempt that, being a single Person, with only a Sword and a Case of Pistols, let any man judge. And I do declare, I know of no Conspiracy nor Design, against the King or Government, I never spoke one of the Treasonable Words in my Life, that is laid against me, nor had ever any Thoughts of any such thing. God that is my Eternal Judge, knows, that what I speak is true.

L. Ch. Just. Well, Mr. *Colledge*, will you call your Witnesses, for I must tell the Jury as I did at your request, concerning Mr. *Attorney*, that as nothing he said, so nothing you say is to be believed upon your own Allegation; for then no man would ever be guilty, if his own Purgation by words were to be believed.

Colledge. My Lord, I thank God, I know my own Innocency, and hope to prove it. I have a Soul that must live to Eternity, either in Joy or Misery, I act according to those principles, and I hope I have some assurance of my own salvation when I dye, I would not call God to Witness to a Lye, to save 1000 lives. My Lord, this is a villanous Conspiracy against me, and if it take place against me, it may go a great way, God knows how far, This is the 17th or 18th Sham Plot the Papists have made against the Protestants, to get over their own; but I hope my Lord God Almighty will never suffer it. If they can make me a Traytor, they will try it upon others, and so hope to sham off their own Treasons; but I say, I hope God Almighty will never suffer it. My Lord, I think the first Witness that swore against me was Mr. *Dugdale*; and I must call my Witnesses as I have them here, I know no person of them hardly, and this that is done for my defence was done abroad. My Lord, I have been kept close Prisoner in the *Tower*, and none of them suffered to come to me, whilst the Popish Lords have had the Liberty and Priviledg to talk with their friends. Here are Witnesses I hope will prove that these are Suborned men, for *Macnamarra* did tell me presently after the Parliament broke up at *Oxen*, and whispered it to me in the Coffee-house; Said he, there is a Design laid to make us retract our Evidence; and go over to *Fitz Ginald*. Said I, I suppose they have been at that sport a great while. Ah, said he, they make large offers: Said I; by whom? Said he, Colonel *Warcupp* hath been at me, and he tells me——

Mr. Just. Jones. *Macnamarra* is not produced against you as a Witness at all.

Colledge.

Colledge. No, but he told me this, that there was such a design, and, said he, I will get you, and some other honest men; and he desired me to be by when he had something more to tell which would do his business for him, but the next news I heard of him was, he was put into *Newgate*.

L. Ch. Just. Call your Witnesses, *Mr. Colledge*, and prove what you can.

Coll. Call *Mr. Hickman*.

Mr. Attorn. Gen. My Lord, I desire he may observe the same rule he desired about our Witnesses; that he may call but one at a time.

Coll. Yes, yes, I will call them one by one.

L. Ch. Just. Are not your Witnesses together? send to them.

Coll. My Lord, I don't know, I have not seen one since I come. This is not the first time, my Lord, the Papists have designed to take away my Life, though it is the first time they went about to take it away by a Law.

L. Ch. Just. I know not of one Papist that is a Witness against you.

Coll. There is never a man of them, except *Sir William Jennings*, but what was a Papist.

Mr. Attorn. Gen. What say you to *Mr. Masters*?

Coll. *Mr. Masters* says nothing material, it was only a jocular discourse.

Mr. Serj. Jeff. It was very pleasant discourse upon my word; you were as merry as when you were singing of the *Rary Shew*.

Mr. Just. Jones. What do you make mirth of the blackest Tragedy that ever was, That horrid Rebellion, and the Murder of the late King.

Coll. I never justified that Parliament in any such thing that they did contrary to Law.

Mr. Just. Jones. He swears it.

Mr. Attorn. Gen. *Hickman* does not appear, call another.

Coll. Call *William Shewin*, (who appeared.)

L. Ch. Just. Look you here Friend, you are not to be sworn; but when you speak in a Court of Justice, and in a course of Justice, you must speak as in the pretence of God, and only speak what is true.

Coll. I would not have any body speak any thing for me, but what is truth.

L. Ch. Just. Now ask him what you will.

Coll. I don't know the Gentleman. But pray, Sir, will you tell what you know of these Witnesses.

Mr. Shewin. Name any of them that I know, pray Sir, and I'll tell you.

Coll. Do you know *Bryan Haynes*?

Mr. Shewin. I know there is such a man, but I have nothing to say to him.

Coll. Do you know *Turberville*?

Mr. Shewin. Yes.

Coll. Pray tell what you know of him.

Mr. Shewin. My Lord, I was in *Turberville's* Company on Thursday night last at the Golden Posts at *Charing-cross*, and there I heard him say, that if I were at *Oxford* I should hear strange things against *Colledge*, and he would lay ten to one that *Mr. Bethel* and *Mr. Wilmore* should be hanged at *Christmas*, and he would lead him by the Gold Chain along *Fleetstreet*, and down with his Breeches in the middle of the Coffee-house, with a Band about his Neck and a Cloak.

Mr. Serj. Jeff. Did he say all these things against *Mr. Sheriff Bethel*, I assure you he is a bold man.

Coll. What do you know of *Mr. Smith*?

Mr. Shewin. I know him by sight, but I have nothing in particular to say concerning him. I have something to say to *Macnamarra*, Sir, if he were here.

Coll. Do you know any thing of this Conspiracy in general?

Mr. Jones. What of your Conspiracy?

Mr. Shewin. I know that they did lay, who should be hang'd at *Candlemas*, who at *Christmas*, and who at several other times.

L. Ch. Just. What did you hear *Turberville* say?

Mr. Shewin. Those words I spake before about *Sheriff Bethel*, and about the *Amsterdam* Coffee-house.

Coll. Did they say what time I should be hang'd? for the discourse 'rose about me.

Mr. Sherwin. One told me that there was one that did design to be returned upon this Jury, that was resolved to hang him right or wrong.

Mr. High Sher. My Lord, I did hear there was such a one, and I left him out of the Jury.

L. Ch. Just. For Mr. Sheriffs honour we must take notice of what he hath said. He says he heard of a man that spoke something of that nature, and therefore he left him out of the Jury.

Coll. Now 'tis possible these Witnesses were at the same sport.

Mr. Sherwin. Was Mr. Peacock Mrs. Fitz-barris Maids Father, or she here, either of them Witnesses against you?

Mr. Serj. Jeff. No, they were not, Sir.

Coll. They did swear against me at the finding of the Bill.

Mr. Serj. Jeff. We have only called these Witnesses, if you can say any thing against them do.

Coll. Call Henry Hickman, (who appeared.)

Mr. Serj. Holl. Where do you live, Sir?

Mr. Hickm. At Holborn-bridge.

Mr. Attorn. Gen. What Trade are you?

Mr. Hickm. A Cabinet-maker.

L. Ch. Just. What do you ask him?

Coll. Do you know Haynes?

Hickm. Yes, very well; because he used to come to my house to a Popish Widow that was a Lodger in my house where I live now; and this person was a Prisoner at Haynes's when he was a Prisoner in the Fleet. I always had a suspicion he was a Priest, not that I could accuse him really of any thing, but he several times using to come to my house I thought so of him, and discoursing with my Land-lady.

L. Ch. Just. Your Tenant you mean?

Mr. Hickm. Yes, my Tenant. I asked her, what this fellow was; said she, he is a very dangerous Fellow though he is a Papist, and I am one my self, yet he is a dangerous person, and he does not much care what he swears against any one.

Mr. Just. Jones. This your Tenant told you, what do you know your self?

Mr. Hickm. Another time he came to speak with my Tenant Mrs. Scot, who is now gone into Ireland; when he came to the house, he asked me, is Mrs. Scot within? Yes, said I, Mr. Haynes, she is above; and up he goes, and there they locked the door, and plucked out the key; so I slip off my Shoes, for I thought there might be more danger from such people than I could discover any other way. So I went up stairs, and stood at the door, and hearkned, hearing my Land-lady talk something to him, he wraps out a great Oath, *God dam me*, said he, *I care not what I swear, nor who I swear against; for 'tis my Trade to get money by swearing.* Whereupon, my Lord, I came down as fast as I could, and a little after I saw him go out, and as soon as my Land-lady came down, said I, Mrs. Scot I desire you would provide your self as soon as you can; I would be civil to you, and I would not put you to a Non-plus, because your Goods by the Law will be seized for not departing according to the King's Proclamation. So a while ago since this business of Haynes's swearing against my Lord of Shaftsbury, I bethought my self of some other businesses I had heard: To find out the Knavery I went to the Fleet, where he hath a very ill Character as well amongst the Papists as the Protestants. Whereupon I asked one fellow that was a kind of a Porter, if he knew any thing of him; said he, Go you to such an one——

Mr. Serj. Jeff. We must not permit this for Example sake, to tell what others said.

L. Ch. Just. Nothing is Evidence, but what you know of your own knowledge; you must not tell what others said.

Hickm. This I do say, I heard him say; and there are those that can produce a Letter——

Mr. Serj.

Mr. Serj. Jeff. Bring those people, but you must speak nothing, but upon your own knowledge.

Hickm. I was at the Chamber door, and looked in at the Key-hole, and he sat down at the Window.

L. Ch. Just. How long ago was it, pray?

Hickm. A Year and an half.

Mr. Attorn. Gen. You are an Eves-dropper, I perceive.

Hickm. I did not know what danger he might bring Men into, because he was a Papist. I have taken an Oath to be true to the King, and I will as long as I live. For this Gentleman, I never beheld him, till last night, in all my days; though he lived by me, I never saw him.

L. Ch. Just. Well, call the next.

Coll. I never saw this Gentleman; but you see what Haynes hath declared.

Mr. Serj. Jeff. This Man says, he did say so.

Coll. And, for ought I perceive, he does accordingly. Call Elizabeth Oliver; (who appeared.)

L. Ch. Just. Mrs. Oliver, stand up. What do you ask her?

Coll. Do you know Haynes, pray? Bryan Haynes?

Mrs. Oliver. Yes.

Coll. Pray tell the Court what you know of him.

Mrs. Oliver. I know him very well.

L. Ch. Just. What do you know of him?

Mrs. Oliver. He writ a Letter in my Father's name, unknown to my Father.

L. Ch. Just. Did you see him write it?

Mrs. Oliver. I saw him write it.

L. Ch. Just. Read it. By whom is it subscribed?

Clerk. By nobody.

L. Ch. Just. Why, how is it written in your Father's name, when it is not subscribed at all?

Mrs. Oliver. he writ it as from my Father.

Mr. Serj. Jeff. Whither did he bring it?

Mrs. Oliver. He sent it into the Country.

Mr. Serj. Jeff. Can you write and read, Mistress?

Mrs. Oliver. Yes.

Mr. Serj. Jeff. Who did he send it by?

Mrs. Oliver. The Carrier.

Mr. Serj. Jeff. When is it dated?

Clerk. In 77.

L. Ch. Just. Read the Letter. (Which was done.)

Clerk. Reads.

L. Ch. Just. What is all this to the purpose? unless your Father were here to prove it was done without his knowledge.

Mrs. Oliver. My Father did not write it.

L. Ch. Just. Was your Father in the Fleet then?

Mrs. Oliver. Yes, my Lord, he was a Prisoner then.

Coll. Mrs. Oliver, do you know any thing more of him?

Mrs. Oliver. I have known him a great while; I know him to be a very ill Man.

Mr. Serj. Jeff. Must she tell you all she knows?

Mr. Attorn. Gen. Did you ever know him forswear himself?

Mrs. Oliver. No, I do not know that.

L. Ch. Just. Come, call another; this is nothing to the purpose.

Coll. Call Mrs. Hall: (who appeared.) Pray, do you know Mr. Bryan Haynes?

Mrs. Hall. Yes, if I see him I know him very well.

Coll. What do you know of him?

Mrs. Hall. He lodged at my House, and came there the day before Fitz-barriss was tryed, and there was a great discourse about his Tryal, and I was enquiring of him; and I told him, I must expose my Ignorance, I did not know what it was he was tried for: And, said he, if you please to sit down, I will tell you: Madam

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Portsmouth came to him, and went upon her knees, and begg'd of him, if he had any kindness for His Majesty, that he would now shew it at this juncture ; and she told him she had heard he had formerly Acquaintance with one Mr. *Everard* abroad, and therefore desired him to go now and renew it, and endeavour to get him over ; and, if he could possibly, to get over some others to make a Presbyterian Plot of it. This is true, I very well know it ; as for this Gentleman, I never saw his face before, but those were the words I am sure.

L. Ch. Just. What were the words ?

Mrs. Hall. That they might make a Presbyterian Plot of it.

Coll. Did he say so ?

Mrs. Hall. He said that the Dutchess of *Portsmouth* did so.

L. Ch. Just. What a story is this ?

Coll. Did not he say that the Dutchess of *Portsmouth* employed him too ?

Mrs. Hall. No, this was about *Fuz-harris*.

Coll. What do you know more about *Haynes* ?

Mrs. Hall. One night he had been about some business for me in Law with one Mr. *Woodward* an Attorney at Law, and when he returned I was busie in the Kitchen with my Maid about the House, and he came up to me ; Madam, said he, this night I had a Message from the King ; a Justice of Peace met me, and brought me word, that the King had sent into *Ireland*, to enquire into the Loyalty of my Family, and he hath heard that my Father was a Loyal Subject, but he understood strange things of me ; but if I would come in, he would grant me my Pardon. I told him, said he, I did not value His Majesty's Pardon a Pin, for I had done nothing that might make me stand in need of it ; but I would do any thing that might tend to the preservation of His Majesty's Person or Honour ; but to do such base things as are beneath a Man, I will never do it ; and he whisper'd me in the ear (as the accusing of several Persons ;) and since, he sent me a Letter by his Mother in Law, Mrs. *Wingfield*, that I should not believe it, if I heard he should accuse any body ; but I might be confident he had not, nor would accuse any body.

Coll. Was he to swear against the Protestants ?

Mrs. Hall. I did not enquire any Questions ; but he said, such base things he would never do as the accusing of several Persons.

Mr. Attorn. Gen. Pray Mistress, did you believe him when he told you he was so honest a Man ?

Mrs. Hall. How do you mean, Sir ?

Mr. Attorn. Gen. When he said he would not do those base things, did you believe him ?

Mrs. Hall. I never saw his face before he came there to lodge ; but I saw him to be a Man that made little Conscience of what he said or swore.

Mr. Attorn. Gen. Did not you find him a bragging Man ?

Mrs. Hall. I had little discourse, but what he said of himself. But there is one thing more about an Intelligence : When *Thompson* had written something in his Intelligence concerning *Bryan Haynes*, he said he would write an Answer to it ; and accordingly, he read it to us : he said, he was going that Evening to get it put into one of the Intelligences : the words were to this purpose. " Whereas one *Nathaniel Thompson* had falsely and maliciously accused one *Bryan Haynes* for speaking " Treasonable Words ; he the said *Bryan Haynes* doth declare that he challenges any " Man to charge him with it : but he owned he had an hand, or was employed to " put the Plot upon the dissenting Protestants.

L. Ch. Just. Did he publish that in the Intelligence ?

Mrs. Hall. I never read it published ; but he had writ it, and read it to us several times.

Mr. Attorn. Gen. Do you go to Church, Mistress ?

Mrs. Hall. I hope I do.

Sir Geo. Jeff. To what Church ?

Coll. Call *Mary Richards*, Mrs. *Halls* Maid. (Who stood up.)

L. Ch. Just. What will you ask her ?

Coll. Do you know this *Bryan Haynes*, pray.

Richards,

Richards. Yes, he lodged there where I lived.

Coll. What do you know of him?

Richards. I know he writ that in the Intelligence my Mistress spoke of; *Thomson*, in his Intelligence, accusing him of having spoken Treason, he read what he said he would put into the Intelligence: That he never spake one word of Treason, and he writ it for his own vindication; that whereas *Nathaniel Thomson*, in his Intelligence of the 18th. of June, had maliciously accused one *Bryan Haynes* of Treasonable Words; there was no such thing.

L. Ch. Just. And that was to vindicate him, that he never did speak any Treasonable Words.

Richards. Yes.

L. Ch. Just. Will you ask her any thing else?

Coll. I cannot tell what she says.

L. Ch. Just. She says, he writ something that was in Answer to *Thomson's* Intelligence, to vindicate himself that he never did speak any Treasonable Words.

Coll. But did you hear him say any thing of these words, that he was employed in a Plot against the Protestants?

Richards. I read that, in what he writ to put in the Intelligence, that he challenged any one to appear, and charge him with Treason; but, said he, I own that I was employed or had a hand in putting the Plot upon the dissenting Protestants: and he telling my Mistress he had a Message from the King, offering him his Pardon; I asked him why he did not accept the King's Pardon. Alas, said he, you do not understand what I was to do for it; I was to do such base things so beneath a Man, that I will never do them: I had five hundred Pounds offered me, besides the King's Pardon, to do such base things as are beneath a Man to do.

Coll. What were the base things he said he was to do, and would not do?

Richards. I cannot tell, he did not say to me what they were.

Mr. Attorn. Gen. When was this?

Richards. It was a Week before he was taken.

Mr. Attorn. Gen. That is two Months ago.

Coll. It was since the Parliament sat at Oxford: But what was that he was employed to do, did he say?

Richards. Why, he said in his Answer to the Intelligence, he was one that had an hand to put the Plot upon the dissenting Protestants.

Coll. Call Mrs. Wingfield; (who appeared.)

L. Ch. Just. What is your Christian Name?

Mrs. Wingfield. Mary.

L. Ch. Just. What do you ask her?

Coll. Do you know this *Bryan Haynes*, pray?

Mrs. Wingfield. Yes, very well.

Coll. What do you know of him?

Mrs. Wingfield. I know nothing of him, but he is an honest Man; he married my Daughter, and always carried himself like a Gentleman; he scorns the thing that is unhandsome, and never did any thing that is unhandsome in my life.

Mr. Serj. Jeff. Pray, how came you by this Witness? Have you any more of them?

Coll. I never saw her before, but I believe she hath said something else in another place. Did you ever say the contrary, pray?

Mrs. Wingfield. No body can say so; and I had done the Gentleman a great deal of wrong if I had.

Coll. Call Mr. Whaley. (Who appeared.)

L. Ch. Just. What is your Name, Sir?

Mr. Whaley. John Whaley.

Coll. Did you know *Bryan Haynes*?

Mr. Attorn. Gen. Where do you dwell, Sir?

Mr. Whaley. At the Hermitage, beyond the Tower.

Coll. I don't know you, Sir; but what do you know of him?

Mr. Whaley, I never saw you, Sir, till to day; but that which I think I am called for is this, though it was upon Sunday that I receiv'd this same Subpoena to come down hither: but about six Years ago, *Bryan Haynes* was a Prisoner in the King's Bench,

and

and he came down to the Cellar which I had taken of the Marshal to sell Drink in ; and coming down to drink in one of the Rooms of the Cellar that belong to me, he took away a Tankard, and went up with it. One of the Men followed him up ; so I went to the Marshal to complain, and told him of it : and the Marshal took him from the Master's Side, and put him into the Common Side. That is all I know of him any way, directly or indirectly.

L. Ch. Just. Why did you not indict him of it ?

Mr. Whaley. I acquainted the next Justice of the Peace, who was the Marshal ; and he put him from the Master's Side, into the Common Side.

L. Ch. Just. He was no good Justice of the Peace in the mean time.

Coll. Call Mr. *John Lum.* (Who appeared.) Do you know *Bryan Haynes*, Mr. *Lum* ?

Mr. Lum. I have seen him twice : the first time I ever saw him was, I went into the *Derby-Ale-House*, to enquire for one *Micklebwayte*, a Kinsman of mine, and there this *Bryan Haynes* was in a little Room next the Ditch, near the Door that goes out there, as if he were asleep, and he roused himself up ; and, as I was walking there, Sir, said he, will you take part of a Tankard with me : (That was his expression.) With that, said I, I do not care if I do. And the first thing he began was the King's Health, then the Queens, then the Duke of *York's* ; then he fell very foul against the Grand Jury, because they had not found the Bill against *Colledge*, who is a Gentleman that I never saw before in my life but once, as I know of : and he said, my Lord *Shaftsbury* was a little Toad, but he would do his business very suddenly. Then he railed upon the Parliament, and said they were a Company of Rogues, they would give the King no Money, but he would help him to Money enough out of the Phanaticks Estates. And he said, they would damn their Souls to the Devil before the Catholick Cause should sink.

Mr. Serj. Holloway. When was this ?

Mr. Lum. It was three or four days after the Bill was brought in *Ignoramus* by the Grand Jury.

Mr. Just. Jones. Was he alone ?

Mr. Lum. Yes, he was.

Coll. Is that all you have to say ?

Mr. Lum. One thing more, my Lord. On *Monday* last I was at *Uxbridge*, and a Gentleman sent his Man on purpose to let me know I must go to *Colebrook*, and stay till they came thither. When I came there, I met *Bryan Haynes* at the *Crown-Kitchin-Window*, and he was stirring a Glass of Brandy, and sweetning it with Sugar. Said he, Sir, will you drink ? Here is the King's Health to you : So I drank, and I asked him how he did ? Do you know me, Sir, said he ? Yes, said I, I drank with you once. Says he, you have a good Memory. So then a Pint of Sack was called for, and after that another, and then came down Mrs. *Peacock* ; and being very fine, all in her Flower'd Silks, I asked what Gentlewoman that was ? Said he, It is Mrs. *Fitz-harris*. No, says I, it is not ; they say she is gone. But, said he, it is her Maid ; and Sheriff *Bethel* is to marry her. As I have a Soul to save, I tell you nothing but what is truth. Thereupon, said I, Sheriff *Bethel* is able to maintain her ; he hath a good Estate. But, said he, it shall be the King's e'er long.

Coll. So that here is a plain design against all the eminent Protestants.

Mr. Lum. So with that, my Lord, if it please your Honour, I clapped my Groat down at the Bar, and went out of the Room. Nay, said he, let us have one Health more : and so he had his Tankard, and I had mine.

Haynes. I humbly desire you to call for Mr. *White*, the King's Messenger, who was by. I never saw the Man before he was at *Uxbridge* ; and asking Mr. *White* who he was ? Said he, His Name is *Lum*, he was my Prisoner two Years.

L. Ch. Just. What say you to the discourse he talks of at *Fleet-Bridge* ?

Haynes. My Lord, I am upon my Oath, and I never saw him in my life before I saw him at *Uxbridge*.

Mr. Lum. I will take the Sacrament upon it, that what I have averred is true.

Mr. Serj. Jeff. I suppose you are both known, and then your Credit will be left to the Jury.

Mr. Attorn. Gen. There is Mr. *White* ; pray, swear him. (Which was done.)

L. Ch. Just. Do you remember that *Haynes* asked who Mr. *Lum* was.

Mr. White.

Mr. *White*. It was at the Bar of the Crown Inn at *Uxbridge*, and I being there, Mr. *Lum* came into the Yard, and I knowing Mr. *Lum*, asked him, How he did; he said, He was glad to see me; and he called for a Pint of Sack to make me drink. *Haynes* stood by, and he asked, Who he was? and I told him; and we drank the King's health; but for any thing of those words that were spoken there, Sir, I did hear not one word of them, but he thanked me for my civility when I summoned him up to Court, and seeing Mr. *Haynes* by, he asked, who he was?

Mr. *Serj. Jeff.* And you take it upon your Oath, that he asked you, who *Haynes* was?

Mr. *White*. Yes, I do.

Mr. *Serj. Jeff.* Pray did you hear any discourse that time as if there had been a meeting upon *Fleet-bridge*?

Mr. *White*. Not one word of that?

Mr. *Lum*. I will take the Sacrament upon it, what I say is true.

Mr. *Serj. Jeff.* We know you, Mr. *Lum*; we only ask questions about you, that the Jury may know you too, as well as we. We remember what once you swore about an Army.

Coll. I don't know him.

Mr. *Lum*. I don't come here to give Evidence of any thing but the truth; I was never upon my knees before the Parliament for any thing.

Mr. *Serj. Jeff.* Nor I neither for much; but yet once you were, when you cried, Scatter them good Lord.

Coll. Call Mr. *Broadgate*.

L. Ch. *Just.* What is your Christian name, Sir?

Mr. *Broadg.* *Jeremiah*.

L. Ch. *Just.* What do you ask him?

Mr. *Broadg.* My Lord, I am a Stranger to the Prisoner at the Bar; what I have to say is concerning Mr. *Turberville* whom I met one day, and he asked me, how I did? said he, I owe you a little money, but I will pay you in a short time; but if you will go to drink a Glass of Ale; No, said I, I am in haste, and do not care for going to drink; said he, You shall go; so away we went, and when we were sat, said he, When did you see *Turberville* that was my Lord *Powis's* Butler; said he, He was a great Rogue to me; and when I stood up for the Nations good, he villified my Evidence, and afterwards he came to me with Doctor to beg my Pardon; but I would not forgive him for the whole World: And speaking of the King's Evidence; said he, The King's Evidence are looked upon as nothing; as poor inconsiderable mean Fellows, and their Sallaries are lessened; and, said he, I have had the greatest proffers from Court of Preferment and Rewards, if I would go from what I have said, and come upon the contrary; and he repeated it, Yes, upon the Faith of a Man, and from the Highest: But, said he, I have a Soul and a Body; a Body for a Time, but my Soul for Eternity, and I cannot go from it. He went over it again; I might have what I would if I would go from what I have said, and come upon the contrary.

Mr. *Attorn. Gen.* But he does not go from any thing of what he hath said.

Coll. Did he say what he was offered, and by whom?

Mr. *Broadg.* He said he had very great offers from the Court if he would disown the Plot, and go upon the contrary.

L. Ch. *Just.* But he does not disown it.

Mr. *Just. Jones.* Nay, he had a Soul to save, and could not go from it.

Mr. *Serj. Jeff.* You talk of the contrary, and the contrary; What did he mean by that, what Plot should he disown?

Mr. *Broadg.* The Popish Plot.

L. Ch. *Just.* He does not disown it, nor never did disown it.

Coll. He would make a Presbyterian Plot of it now, for he cannot say I am in the Popish Plot. Sir, do you know any thing more of him? Or did he name me? Or that he was to swear against me, or any Protestant?

Mr. *Broadg.* No, only he said the King's Evidence were villified, and looked upon, as poor inconsiderable Fellows; but it seemed if he would go on the other side, he might have great Preferments and Rewards.

L. Ch.

L. Cb. Just. You make a wrong Comment upon it, Mr. Colledge; it was if he would retract his Evidence, and disown the Plot.

Coll. I leave it to your Lordship, and the Jury, to make the Sense of it.

Mr. Broadg. I saw Mr. *Turberville* since I come hither, and he asked, Are you come, Mr. *Broadgate*, to give Evidence against me? says I, I am come to declare the truth, and nothing but the truth.

Mr. Serj. Jeff. You might have stay'd at home for any thing material that you do Evidence.

Coll. Call Mr. *Zeal*, (who appeared.)

L. Cb. Just. What is your Christian-name, Sir?

Mr. Zeal. *John.*

L. Cb. Just. What would you ask him?

Mr. Serj. Holloway. Where do you dwell, Sir?

Mr. Zeal. In *London.*

Mr. Serj. Jeff. Whereabouts?

Mr. Zeal. In *Fetter-Lane.*

Mr. Serj. Holl. What Countryman are you, Sir?

Mr. Zeal. *Somersetshire.*

Mr. Astor. Gen. Whereabouts in *Somersetshire* were you born?

Mr. Zeal. By Sir *William Portman's*, within six Miles of him.

Mr. Serj. Jeff. What Trade, Sir?

Mr. Zeal. No Trade.

Mr. Serj. Jeff. Have you any Estate?

Mr. Zeal. My Father has. I was bred to wait upon a Person of Quality.

Coll. Do you know *Turberville*, Sir?

Mr. Zeal. Yes Sir, I do.

Coll. What do you know of him?

Mr. Zeal. Sir, I know nothing but what Mr. *Ivy* told me with his own mouth.

L. Cb. Just. Do you know any thing of your own knowledge?

Mr. Astor. Gen. Has Mr. *Turberville* told you any thing?

Mr. Zeal. Not concerning Mr. *Colledge*, he has not.

Coll. *Ivy* was amongst them.

Mr. Zeal. Yes, my Lord, he was the first that swore this Presbyterian Plot.

L. Cb. Just. We know of no Presbyterian Plot.

Coll. Can you say nothing of your own knowledge concerning *Turberville*?

Mr. Zeal. Nothing but what Mr. *Ivy* told me.

Mr. Serj. Jeff. That is not of your own knowledge, and so it is nothing, for he is not produced in this Cause.

Coll. Pray, my Lord, give me leave to call Mr. *Ivy*.

Mr. Serj. Jeff. Do if you will. (He stood up.)

Coll. What was that you heard *Turberville* say of me, or of any Presbyterian Plot?

Ivy. I never heard him say any thing concerning a Presbyterian Plot in my life.

Coll. Did not you tell *Zeal* of such a thing?

Ivy. No, I never did.

Coll. Hark you, Mr. *Ivy*; you have sworn against me, have you not?

Ivy. What I have sworn against you, or any other person, is true.

Coll. What have you sworn against me?

Ivy. I am not bound to answer you.

Coll. Did not you call me out, with *Macnamarra* and *Haynes*, to the *Hercules Pillars*?

L. Cb. Just. Look you, Mr. *Colledge*, I will tell you something for Law; and to set you right; whatsoever Witnesses you call, you call them as Witnesses to testify the truth for you; and if you ask them any Questions, you must take what they have said as truth: therefore you must not think to ask him any Question, and afterwards call another Witness to disprove your own Witness.

Coll. I ask him, was he the first time with us, when I was called out of the Coffee-house to hear *Haynes's* Discovery?

L. Cb. Just. Let him answer you if he will, but you must not afterwards go to disprove him.

Coll. If he were sworn against me, I would not ask him any Questions, for he is among them.

L. Cb. Just. Ask him what you will,

Coll

Coll. I desire not if he have sworn against me, for truly I can't expect a good Answer from him; but he was by when *Haynes* made his Discovery.

L. Ch. Just. Will you ask him any Questions?

Coll. I ask whether he hath given any Evidence against me any where?

Ivy. I am not bound to answer you.

L. Ch. Just. Tell him if you have.

Ivy. Yes, my Lord, I have.

Coll. Then I think he is no good Witness for me, when he hath sworn against me.

Ivy. I have sworn against him and others. You know that you and I have had a great many Intrigues about this business in hand, and how we dealt with Mr. *Haynes*.

L. Ch. Just. Look you; he does not call you for a Witness for him, you can testify nothing, and so you must be quiet.

Coll. Call Mr. *Lewes*. (Who appeared.)

L. Ch. Just. What is your Christian Name?

Mr. *Lewes*. William.

Coll. Pray Mr. *Lewes*, what do you know about *Turberville*?

Mr. *Lewes*. I know nothing at all, I assure you, of him that is ill.

Coll. Do you know any thing concerning any of the Evidence that hath been given here.

Mr. *Lewes*. If I knew any thing relating to you, I would declare it; but I know something of Mr. *Ivy*: it has no relation to you, as I conceive, but against my Lord of *Shaftsbury*.

L. Ch. Just. You would call *Ivy* for a Witness, and now you call one against him; and that I told you; you must not do, but *Ivy* is not at all in this Case.

Coll. Do you know any thing of the rest of them; *Haynes*, or *Smith*, or *Dugdale*?

Mr. *Lewes*. No more than what Mr. *Zeale* told me, was told him.

Coll. Do you know any thing of a Presbyterian Plot?

Mr. *Lewes*. If the Court please to hear me, I will tell my knowledge of that; but I know nothing that affects him in the least, only that which concerns my Lord of *Shaftsbury*.

L. Ch. Just. That is nothing to the purpose; call another.

Mr. *Lewes*. There was not, to my knowledge, a word mentioned of your Name: I will do you all the Justice I can; if I knew any thing concerning you, I would be sure to relate it.

Coll. I cannot say who can, or who cannot; I am a Stranger to all of it.

L. Ch. Just. Well, call your next Witness.

Coll. My Lord, there was a Petition presented to the Common Council of London, wherein they set out, that they were tamper'd withal about a Plot against the Protestants.

L. Ch. Just. A Petition from whom?

Coll. I cannot tell from whom; from some of these Witnesses.

L. Ch. Just. Who preferred and signed it?

Coll. Mr. *Turberville* was one. Pray call Doctor *Oates*.

L. Ch. Just. The Prisoner calls upon you, Mr. *Oates*. What would you ask him, Mr. *Colledge*?

Coll. Where is the Petition to the Common Council, Doctor?

Dr. *Oates*. I have it here in my hand.

L. Ch. Just. By whom was it presented?

Dr. *Oates*. It was given by Mr. *Turberville* and Mr. *Macnamarra*, to Mr. *Wilmore*.

L. Ch. Just. Was you present when it was delivered?

Dr. *Oates*. Mr. *Wilmore* did deliver it to me before he was apprehended; for, being to come down as a Witness, he was taken up, and committed to Prison.

L. Ch. Just. Whose Hands are to it?

Dr. *Oates*. I know Mr. *Turberville*'s Hand, he will not disown it.

Clerk. Reads. It is subscribed Edward *Turberville*, John *Macnamarra*.

L. Ch. Just. Look you, Mr. *Colledge*; what word is there in all this Petition that is a contradiction to what they have said now?

Coll. I did not hear it, my Lord.

L. Ch. Just. They say, they are constant Witnesses for the King, against the Papists; and they have been tempted to unsay what they have said: how does that contradict what they say now?

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Coll.

Coll. I suppose they say they have been tempted to turn the Plot upon other people, and to make a Plot upon the Protestants.

L. Ch. Just. They have been tempted, they say, by the Papists, to unsay what they have said; but the Jury have heard it read, and will give it its due weight. Will you ask Mr. Oates any Questions?

Coll. What do you know of Mr. Turberville?

Dr. Oates. As to Turberville, my Lord, a little before the Witnesses were sworn at the Old Bayley, I met with Mr. Turberville; I was in a Coach, but seeing Mr. Turberville, I stepped out of the Coach, and spoke with him; for, hearing that he was a Witness, I did ask him whether he was a Witness, or no, against Colledge? Mr. Turberville said, he would break any one's head that should say so against him; for he neither was a Witness, nor could give any Evidence against him. So, after he came from Oxon, I met with Mr. Turberville again; and, hearing he had been there, I asked him if he had sworn any thing against Colledge? He said, Yes, he had been sworn before the Grand Jury. Said I, did not you tell me so and so? Why, said he, the Protestant Citizens have deserted us; and, God damn him, he would not starve.

L. Ch. Just. Would he say so to you?

Dr. Oates. Yes, my Lord, he said those very words.

Mr. Serj. Jeff. 'Tis Mr. Oates Saying, 'tis Mr. Turberville's Oath.

Dr. Oates. Several times he did repeat it; but when I asked him what he had sworn, he said I am not bound to satisfy people's Curiosities.

L. Ch. Just. What say you to it, Mr. Turberville?

Mr. Turberville. My Lord, the first part of the Doctor's discourse, in part is true; I met him just at my Lodgings, and the Doctor alighted out of his Coach, and spoke to me, and invited me to come to my old Friends; for he told me, they had some jealousy that I was not true to them: and he told me, if I would come to the King's Head Club, I should be received with a great deal of kindness: and never afterwards did I speak with the Doctor a tittle about any Evidence.

L. Ch. Just. He says, you said you would break any one's head, that said you were an Evidence against Colledge; for you were not, nor could be.

Mr. Turberville. There was no such thing said by me.

Mr. Attorn. Gen. Upon your Oath, did you tell him so?

Mr. Turberville. Upon my Oath, I did not.

Mr. Serj. Jeff. Did you tell him that other passage, when you swore you would not starve?

Mr. Turberville. No, I did not.

Dr. Oates. Upon the word of a Priest, what I say is true. My Lord, I do say, as I am a Minister, I speak it sincerely, in the presence of God; this Gentleman did say these words to me; which made me afraid of the man, and I went my ways, and never spake with him afterwards, nor durst I; for I thought he that would swear & curse after that rate, was not fit to be talked with.

L. Ch. Just. 'Tis very improbable that he should say so to you.

Mr. Turberville. I always looked upon Dr. Oates as a very ill man, and never would converse much with him.

L. Ch. Just. Will you ask him any thing more?

Coll. Do you know any thing of the rest, Doctor?

Dr. Oates. I know nothing of Turberville further, but that he did present this Petition, wherein he says, he lay under great temptations to go on the other side, and accuse some Protestants. And truly till I heard he was an Evidence at Oxon, after what he had said to me, I did not believe it.

Mr. Attorn. Gen. Doctor Oates, Mr. Turberville hath not changed Sides, you have; he is still an Evidence for the King, you are against him.

Dr. Oates. Mr. Attorney, I am a Witness for Truth, against Falshood and Subornation; and it cannot plainly be made to appear there is Subornation against the Protestants. And moreover, my Lord,

L. Ch. Just. Mr. Oates, you would do well to explain your self.

Mr. Serj. Jeff. If there be any subornation relating to Mr. Turberville, or any of the other Witnesses that have now sworn against Colledge; make it out Doctor.

Dr. Oates.

Dr. Oates. There is, my Lord, and there will be made further to appear in time to come. To my own knowledge as to Mr. Smith, Mr. Colledge and Mr. Smith had some provoking words passed betwixt them at Richards Coffee-house, and Mr. Smith comes out and swears, *God damn him he would have Colledges blood*. So, my Lord, when I met him; said I, Mr. Smith, you profess your self to be a Priest, and have stood at the Altar; and now you intend to take upon you the Ministry of the Church of England, and these words do not become a Minister of the Gospel; his reply was, *God damn the Gospel*; this is truth, I speak it in the presence of God, and Man.

L. Ch. Just. Can you say any thing of any of the other Witnesses.

Dr. Oates. As for Mr. Dugdale, I was engaged for him for 50 li. for last Lent Assizes, he wanted money to go down to the Assizes, having pay'd some debts, and pay'd away all his money; and so I engaged for 50 li. that he borrowed of Richard the Coffee-man. After he came from Oxon, I called upon him to hasten to get his money of the Lords in the Treasury, which, as near as I remember, was ordered him upon his Petition, for so I heard. And at that time, said he, Sir, I hear there is a great noise of my being an Evidence; against whom, said I, against several Protestants, my Lord Shafsbury, and others; said I, I never heard any thing of it; says he, there is no body hath any Cause to make any such Report of me, for I call God to Witness I know nothing against any Protestant in England. After that I met with Dugdale at Richards Coffee-house, and pressing him for the money, and he saying he had it not just then, but would pay it in a little time: Mr. Dugdale, said I, you have gone I am afraid against your Conscience; I am sure against what you have declared to me; said he, It was all long of Colonel Waycup, for I could get no money else.

Mr. At. Gen. Mr. Oates is a through paced Witness against all the King's Evidence.

Mr. Serj. Jeff. And yet Dr. Oates had been alone in some matters had it not been for some of these Witnesses.

Dr. Oates. I had been alone perhaps, and perhaps not; but yet, Mr. Serjeant, I had always a better Reputation than to need theirs to strengthen it.

Mr. Serj. Jeff. Does any man speak of your Reputation; I know no body does meddle with it, but you are so tender.

Coll. Sir George, Now a man is upon his Life, I think, you do not do well to affront his Witnesses.

Mr. Serj. Jeff. I do not affront him; but now, my Lord, pray give us leave to call our Witnesses. Mr. Smith, pray stand up.

L. Ch. Just. Mr. Smith, do you hear what Mr. Oates hath said.

Mr. Smith. No, my Lord.

L. Ch. Just. Then speak it again, Mr. Oates.

Dr. Oates. Yes, my Lord, I will speak it to his face. He said coming out of Richards Coffee-house, They having had some provoking words, as I understood when I come in, *God damn that Colledge, I will have his blood*; and, my Lord, when I did reprove him, and said to him, Mr. Smith, you have been a Priest, and stood at the Altar, and intend to be a Minister of the Church of England; these words do not become a Minister of the Gospel; and he replied, *God damn the Gospel*; and away he went.

L. Ch. Just. What say you to it, Mr. Smith.

Mr. Smith. Not one word of this is true, upon my Oath. 'Tis a wonderful thing you should say this of me; but, I will sufficiently prove it against you, That you have confounded the Gospel, and denied the Divinity too.

Mr. Serj. Jeff. Mr. Dugdale, you heard what was said against you.

Dr. Oates. My Lord, now Dugdale is come I will tell you something more. There was a Report given out by Mr. Dugdale's means, that Mr. Dugdale was poisoned; and in truth, my Lord, it was but the Pox. And this Sham passed throughout the Kingdom in our Intelligencies; and this I will make appear by the Physician that cured him.

Mr. Serj. Jeff. That is but by a third hand.

Dr. Oates. He did confess that he had an old Clap, and yet he gave out he was Poisoned,

Poysoned ; but now, my Lord, as to what I said before of him, I was ingaged for 50 *li.* for Mr. *Dugdale*, do you own that ?

Mr. *Dugdale*. I do own it.

Dr. *Oates*. I did press upon you to hasten the payment of it.

Mr. *Dugdale*. Yes, you did.

Dr. *Oates*. And did not you come to me and tell me, there was a noise of your being an Evidence, it was in time just before my Lord *Shaftsbury* was taken up.

Mr. *Dugdale*. I never spoke to you till you spake to me.

Dr. *Oates*. My Lord, he came, and said to me, there is a noise of my being an Evidence ; now I had not heard it then ; but the day after I did hear it, and I did justifie Mr. *Dugdale*, because he had said to me that he had nothing against any Protestant in *England*. So I did stand up in Vindication of him ; but, my Lord, after he had sworn at the old *Baily* I met him again, and pressed him for the money, and urged him with it, why he had sworn against *Colledge*, when he had told me so and so before, and he said it was all long of Colonel *Warcup* ; for he could not get his money else ; and Colonel *Warcup* did promise he should have a place at the Custom-house.

Mr. *Dugd.* Upon the Oath I have taken, and as I hope for salvation, it is not true.

Mr. *Serj. Jeffs*. Here is *Dugdale's* Oath against Dr. *Oates's* saying.

Dr. *Oates*. Mr. *Serjeant*, you shall hear of this in another place.

Mr. *Attorn. Gen.* 'Tis an unhappy thing that Dr. *Oates* should come in against these men that supported his Evidence before.

Mr. *Dugd.* My Lord, I say further, if any Doctor will come forth and say he cured me of a Clap, or any such thing, I will stand Guilty of all that is imputed to me.

L. *Ch. Just.* Mr. *Colledge*, will you call any other Witnesses ?

Coll. My Lord, I think this is not fair dealing with a man for his Life ; because these men be upon their Oaths, and deny the things again that my Witnesses prove, therefore what they swear must needs be taken for truth : but if my Witness comes and says such a thing upon the word of a Minister, and in the presence of God, and which he is ready to maintain by an Oath, sure it is not to stand for nothing ; nor he to be hooted out of Court, because Mr. *Dugdale* denies it upon his Oath, I do suppose he will not acknowledge it. But, my Lord, I am the Prisoner and cannot be heard as a Witness for my self : but God is my Witness, he hath said a great deal more to me formerly ; and he hath told me when I have seen him with *Warcup*, and asked him why I kept Company with *Warcup*, and others ; said he, I know they are suspected men, but I must keep Company with them to get my money ; what would you have me do, starve. And when I lent him money out of my Pocket, and trusted him with my Horse, I dun'd him for money and could not get it ; said I, will you pay me the 5 *li.* I lent you ; he put me off, said he, I shall have it, for the Attorney General hath made up his Accompts, and is very kind to me ; why then, said I, why have you it not ; said he, he is my Friend, and I do not question the getting of it ; but here is new work to be done, such work as my Conscience will not serve me to do ; there is more Roguery, they will never have done Plotting, and Counterplotting ; but they will make a thousand Plots if they can to destroy the real one.

L. *Ch. Just.* Can you prove this now ?

Coll. No, it was spoken to my self ; and no body was by but my self.

L. *Ch. Just.* Then you should not speak it. But you asked the question whether a man may not be believed upon his word, as well as he that is upon his Oath. Your Witnesses are not upon their Oaths, but they may be Witnesses, and their weight is to be left with the Jury ; they will consider how improbable it is, that these men should come, Three men to One man, and all of them should speak that which would make themselves Rogues and Villains ; and that one man of them, *Smith*, should say such vile words, as, *God damn him, he would have his blood,* and, *God damn the Gospel* : that *Dugdale* should confess he was wrought upon by *Warcup* to testify against his Conscience ; and that *Turbervile* should say to that purpose, He would not starve ; they have sworn the contrary, and so there are all these Three mens Oaths against One mans Affirmation ; but it must be left to the Jury.

Colledge.

Colledge. There is his Affirmation against what they three say. He charges every one of them, and 'tis but the single denial of every one of them to his Charge.

L. C. J. 'Tis improbable they should own themselves such Villains to him.

Dr. Oats. They must be so, if they will do what they have undertaken. I hope my Word will be believed as soon as their Oaths.

Colledge. It is not to be thought, but when they have Sworn so against me, they will deny any such thing when they are charged with it.

L. C. J. Have you done with your Witnesses? Or will you call any more?

Colledge. What is said upon an honest mans word in the face of a Court, is certainly to be believed as well as what is Sworn.

L. C. J. 'Tis a Testimony, that is most certain, and must be left to the Jury, they must weigh one against the other. But pray Mr. *Colledge* will you call your Witnesses, for it begins to grow late.

Colledge. There is Mr. *Wilmore*, that was a material Witness for me, who was Foreman of the Grand Jury, that would not find the Bill upon this Evidence. What he had to say I don't know, but I am informed it was very material for me.

L. C. J. It will be enough for him to clear himself, for he is charged with High Treason, and by two Witnesses too.

Colledge. Call *Alexander Blake*.

L. C. J. What do you ask him?

Colledge. Do you know *John Smith*?

Mr. Blake. Yes, Sir.

Colledge. Pray will you tell the Court what you know of *John Smith*.

Mr. Blake. I suppose you mean this Gentleman. Mr. *John Smith*, Gent. came to me one morning, and told me there was one *Haynes* under Examination, and this *Haynes* had Discovered very material things against some Great Persons: This passed, and within few days after I met Mr. *Smith* at the *Exchange Coffee-House*, and having saluted him, I desired him to drink a glass of Wine, and so we went to the *Sun Tavern*, and when we were there, I asked him, what his sence was of *Haynes* and his Discovery? Said he, 'tis a Sham Plot: I asked him, what he meant by that Sham Plot? Said he, 'tis a meal-tub Plot. This is all that I know.

L. C. J. Would you ask him any thing else?

Mr. Blake. I know nothing more.

Colledge. Do you know any thing of *Turberwill* or *Dugdale*?

Mr. Blake. Sir, I have no Acquaintance with him, nor desire it. But I was Acquainted with this Gent. Mr. *Smith*, I know him very well.

Mr. Serg. Jefferies. You say well, stand down.

Colledge. Call Mr. *Samuel Smith*.

L. C. J. What ask you him?

Colledge. What he knows of Mr. *Smith*?

Mr. S. Smith. Mr. *John Smith* and I have had an Intimacy and Acquaintance several moneths, and since Mr. *John Smith* swore at the *Old Baily* against Mr. *Colledge*, and was gone out of Town, several People have talked with me concerning him, and asking me, what I thought of him? I told them, I believed he was an honest man, however I would not believe otherwise till I knew a Reason of it. They told me, that he had sworn against Mr. *Colledge*, that he was to seize the King at the Parliament at *Oxford*, and that there was 1500 Barrels of Powder, and it was to carry on a Presbyterian Plot: Said I, I will never believe it, and the rather because he hath said to me often, there was a Popish Plot, but he does not believe any Presbyterian or Protestant Plot; and, said I further, as to his giving any Evidence with *Irish-men*, I believe it the less for that, for I have heard him often say, they were a company of Rogues that had done the Protestant Interest more harm than ever they could do it good, and bid me have a care of coming into their Company, and many other such things, that Mr. *Smith* here knows to be true. Then, my Lord, when Mr. *Smith* came home (for I was very impatient till he did come home to hear every day such things said against him) I went to him to see him. Said I, Cousin *Smith*, I have had great confronts about you since you went away, but I hope you can't be that ill man you are represented to be, and truly I should be sorry it should be so: Pray Cousin, said I, I have put every man off with this, that I would suspend my belief of you till I had spoken with you your self; what is the Evidence you have given? They say, you have sworn a Presbyterian Plot, or a Protestant Plot, a Design of seizing the King at *Oxon*, and of so many Barrels of Gun-powder that were provided. Says my Cousin, I did swear no such thing, nor never a word of any such thing as a Protestant Plot, or a Presbyterian Plot, and pray do not believe it of me. No, said I, I thought

you could not swear any such thing, because you have said often to me, you believed there was no such thing. I do not believe it yet said he, and as to whatsoever *Colledge* said, I did not believe it, for he did not believe it himself. And *Mr. Smith* told me after his return that he did not know of any Protestant concerned in the Plot.

L. C. J. He does not say now 'tis a Protestant Plot.

Mr. S. Smith. So far from that, that he told me after his Return he did not know any Protestant concerned in the Plot.

L. C. J. *Mr. Smith,* Thus I understand you. You say that he said to you, That he had not testified any thing of a Protestant Plot, nor did believe there was any Protestant Plot, for he did not believe what *Colledge* said himself: So by that discourse it seems he did not deny, but he had testified against *Mr. Colledge*, but he did not believe there was any Protestant Plot?

Mr. S. Smith. No, my Lord, he did not deny but he had sworn against *Colledge*.

Mr. Just. Jones. Nor that what he had said against *Colledge* was true?

Mr. S. S. No my Lord, but he did not believe him, and he thought *Colledge* did not believe it himself.

Mr. S. Jeff. It seems *Mr. Colledge* thinks the whole Protestant Interest concerned in him.

L. C. J. The Question is *Mr. Colledge*, what you had in your mind, not what was in the mind of all the Protestants.

Mr. S. S. This I do say, I would not speak more nor less than the truth, he did not deny, but he had heard *Colledge* speak those words he swore, but he did not believe him, and I think *Mr. Smith* hath said that, at another time before *Mr. Gardner*.

Colledge. If he knew of no Protestant Plot, it was very unlikely that I should attempt such a thing my self.

Mr. S. S. My Lord, I find *Mr. Smith* hath been very passionate and very inveterate of late against other men that he hath given me a very good report of before; And when I was talking of this, I was saying, If it be true that people say of you, a man goes in danger of his life to converse with you. *Mr. Smith* said he, I do not care for all the men between *Wapping* and *Charing-cross*, there is never a man that will forbear my company, but would do or say as much as *Colledge* hath done or said.

Mr. J. Smith. 'Tis true, and I say so still.

Colledge. 'Tis a contradiction in itself, That there should be such a design and none but my self to do it. God my righteous Judges knows my innocency.

Mr. Just. Jones. You might say those words in hopes they would be of your party and made so by your Libels and poysonous Pictures.

L. C. J. Come, call another Witness.

Colledge. Call *Mr. Tho. Gardner*, But my Lord, how likely is it that I should say, That I would seize the King, when he it seems says, he did not believe there was one man to stand by me?

L. C. J. What say you to this Gentleman?

Colledge. I never saw him in my life.

Mr. Gardner. Nor I you Sir.

Colledge. I know not three of all that come here.

L. C. J. Well, will you ask him any thing?

Colledge. Pray do you know *Mr. Smith*?

Mr. Gardner. Yes.

Colledge. What do you know of him? Can you say any thing concerning this matter that is sworn against me of Treason?

Mr. Gardner. My Lord, this day fortnight I think it was, *Mr. S. Smith* the Gent. that was just now up before me, sent for me to the *Rummer* in *Queen-street* to drink a Glas of Wine, where when I came, I found him and *Mr. J. Smith* that is here, whom they call *Narrative Smith*, talking very briskly concerning one *Colledge*, I suppose that is the Gentleman, and the Jury that acquitted him, and he said that 2 or 3 of the Jury-men were Rascals and Villains, and says he, they talk up and down the Town as if I did intend to Sham the Popish Plot, and to make a Protestant Plot, which said he, I vow to God, and I will justify it before God and all the world, that I know of no Protestant Plot, nor is there any Protestant concerned in a Plot to my knowledge, but this *Colledge*, and upon his Tryal I believe he will be made appear to be more a Papist than a Protestant; but says *Mr. Smith* to him, Now you are known to be a witness in this Case, it will be a dangerous thing for a man to converse with you.

Coll. Will it be now known that I am a Papist? No man could ever say so in this world.

Mr. Gardner. Says he, I care not what all the world says of me, and I do not value all the men

men from *Wapping* to *Charing-cross*, but that man that will shun my company will say and do as much to the King as *Colledge* hath done. But then I was saying, methinks it seems an improbable thing, that such a man as *Colledge* should seize upon the King or provide 1500 Barrels of Powder and those other things. Upon my word, said he, with some passion, clapping his hand upon his breast, when *Mr. Colledge* did say it, I did not believe a word of it, and upon my faith I believe *Colledge* himself did not believe it when he told me so.

Colledge. Do you know any thing more Sir?

Mr. Gardner. No indeed *Mr. Colledge*.

Colledge. Call *Dr. Oats* again.

L. C. J. Well, what say you to him?

Colledge. Pray *Dr. Oats* *Mr. Smith* charges me that I should speak some Treasonable words that time that Alderman *Wilcox* gave you a Treat at the *Crown Tavern* you were there, and pray how long ago was it?

Dr. Oats. My Lord, I heard *Mr. Smith* speaking of it at the *Old-baily*, and if you please to take notice it was thus. This Summer was twelve-month, or I am sure a great while before *Christmas* the Alderman had invited me several times to give me a Treat, and I had not time, other business calling me off, but finding a time, I sent him word I would come and see him. He said he was a Brewer and troubled at home with Customers, but he would give me a dinner at the *Crown Tavern* without *Temple-Bar*, that was the place fixed upon; there was *Mr. Smith* the Counsellor, who had been serviceable to me in several instances I did get him to go along with me, and *Mr. Colledge* was with us, and I heard *Smith* swearing at the *Old-baily* that *Mr. Colledge* and he had discourse from the *Rainbow Coffee-house* where we met, and went together.

Colledge. There I was invited by Alderman *Wilcox*.

Dr. Oats. But my Lord I will tell my story, I am not to tell *Mr. Smith's*, *Colledge* did tell me he was invited; said I, You shall be welcome as far as I can make you welcome. So *Colledge* and I went together from the *Rainbow Coffee-house* to the *Crown Tavern*: Now indeed *Colledge* was very pleasant and merry, and as I think, the discourse betwixt the *Rainbow Coffee-house* and the Tavern was betwixt *Mr. Colledge* and me; for *M. Smith* stayed somewhat behind or walked before, I cannot tell which: When we came to the *Crown Tavern* we did, to divert our selves till dinner came up, enter into a Philosophical discourse with one *Mr. Savage* who was formerly a *Romish Priest*, but this *Savage* is since pardoned by the King and is a Member of the Church of *England*, and hath been Professor of Divinity and Philosophy beyond Sea. This as I remember was the discourse before we dined till we went to Dinner, it was concerning the Existence of God, whether that could be proved by natural demonstration, and whether or no the Soul was immortal. My Lord, after Dinner *Smith* went away, I did not hear the least discourse of any such thing as he speaks of, and *Mr. Smith* and *Colledge* had no discourse in my hearing from the Coffee-house to the Tavern; and when we were in the Tavern we did discourse about those two Points. Counsellor *Smith*, my Lord, will justify a great deal of this, and my Brother too, who was with us. But when I heard *Mr. Smith* swear as he did about this matter at the *Old-baily*, I did really my Lord, in my Conscience look upon him to be forsworn in that particular.

Mr. Ser. Jeff. And he does swear you are out in this.

L. C. J. Will you ask him any more questions?

Dr. Oats. If your Lordship please he speaks of *Mr. Wilcox* to be a man that contributed money to buy Arms, Powder, and Shot, I think *Sr. George Jefferies* knows Alderman *Wilcox* is a man of another employment.

Mr. S. Jeff. Sir *George Jefferies* does not intend to be an evidence I assure you.

L. C. J. Do you ask him any more questions?

Dr. Oats. I do not desire *Sr. George Jefferies* to be an Evidence for me, I had Credit in Parliaments, and *Sr. George* had Disgrace in one of them.

Mr. Ser. Jeff. Your servant Doctor, you are a witty man and a Philosopher.

Colledge. Call *Mr. Thomas Smith*.

L. C. J. What would you ask of him now?

Colledge. Counsellor *Smith*, here is *John Smith*, or Narrative *Smith*, which you please to call him, hath charged me with speaking Treason at our going to Dinner at *Mr. Wilcox's*, I remember you were there, and I think you and I and *Dr. Oats* and his Brother and *Mr. Godwin Wharton* went together; I did tell *Mr. Smith* of it, but I did not stir a step out of the Coffee-house with him, but went away before him, How long ago is it since we had that Dinner?

Mr. T. Smith.

Mr. T. Smith. My Lord, if your Lordship please, I do very well remember Mr. Alderman *Wilcox*, so they called him, did desire to give Dr. *Oates* a Treat with some other of his Friends at the *Crown Tavern* without *Temple-Bar*; but really my Lord, as to the certain time I do not remember it, but to my best remembrance, my Lord, it was before *Christmas* last, and some time before *Christmas* last. And my Lord, I was there all the time, *Mr. Smith* was at that time somewhat a stranger to me, something I had heard of his Name, and I did stay there all the while; I remember Mr. Alderman *Wilcox* was to go out of Town that day; and truly as to any thing of matter of Treason, or Treasonable words, or any thing tending towards it, I am confident nothing was, or could be spoken, and the Room was a very small Room, and our Company did fill it up, and the Table was so big, that there was little more than for the Servitors to go about, so that any man might easily hear from the one end of the Room to the other. I remember there was some Discourse betwixt Dr. *Oates* and *Mr. Savage*, who I think hath been a Jesuit, and it was about some points of Philosophy and Divinity; but for Treason, I do not remember the least of it, and I am confident *Colledge* said not any such thing at that time, and my Reason is this, I very well remember *Mr. Colledge* did set himself down upon one side of the Table, and fell asleep, and unless he talked Treason in his sleep, there could not be any such thing said, and if it had been said, it would have been heard.

Mr. Att. Gen. Mr. Smith, did you never hear *Mr. Colledge* speak any ill words of the King?

Mr. T. Smith. Never in my Life. And if I were now to take the Sacrament upon it, I could say so.

Mr. Serg. Jefferies. You used to converse with him, *Mr. Smith*, did he never say any thing like it to you?

Mr. T. Smith. Good Mr. Sergeant, you know I can take the Sacrament; pray let us have no Reflections.

Mr. Serg. Jefferies. Who did reflect upon you? I did not reflect upon you.

Mr. Just. Jones. *Mr. Smith*, did he never deliver you any of those Pictures?

Mr. T. Smith. No, Sir, he never did.

Colledge. Good Sir *George* don't reflect upon my Evidence. It seems *Smith* is mistaken in the time, for he says, it was at *Christmas*, but *Mr. Smith* says, it was some time before.

L. C. J. *Mr. Smith* does not say so, the certain time he cannot tell exactly; but your Witnesses say, it was then.

Mr. T. Smith. I do speak as much as if I were upon my Oath; and I know what an Oath is, I thank God; and what it is to speak before a Court of Judicature, and I know, and do speak truth as much as if I were upon my Oath; and I do say I did not hear *Colledge*, or any one else that was in that Company, at that time speak any thing Reflecting upon the King and Government, or any thing tending towards it.

Mr. Just. Jones. Can you remember a matter so distinctly, which Dr. *Oates* says was a year and half ago?

L. C. J. No, this Summer was twelve moneth.

Mr. Just. Jones. And can you tell so long ago, not onely your own Actions, but testify to all other mens Actions too that were in the Room?

Mr. T. Smith. I cannot tell what Dr. *Oates's* memory is as to the time, but I remember the place, the occasion, and the Persons that were there.

Mr. Just. Jones. And you take upon you to have such a perfect memory, as to the Actions of all the Persons that were in the Room?

Mr. T. Smith. I do not speak of all that was done; but I say, I remember no such thing that was said, and I believe no such thing was said, and have given you my Reasons why. But my Lord, that which I say further for *Mr. Colledge*, is this; I do hear something pretended, as if he provided Arms to go for *Oxford*. I have known him this three years, or thereabouts; and my Lord, I do know that he did usually ride with a Case of Pistols before him. And before that time I had occasion to borrow his Horse of him, at the Election for *Westminster* the last Parliament that sat there, and I had it then with a Case of Pistols. I likewise borrowed it at *Michaelmas* last, the same Horse, and the same Pistols they were, I did at the same time see a Suit of Silk Armour, which he told me he did provide against the Papists, for he said, he did expect we should have a brush with them. Said I, do not trouble your self for that, they dare not meddle; said he, this will do no harm. And as I remember, it was a Suit of Armour made of Silk to wear under a Coat.

Colledge. It

Coll. It was silk Armour only for the thrust of a Sword. And I assure you my Lord, I had but one Suit, but one Case of Pistols, and but one Horse, I had two before, but they did not then make a Traitor of me, that was all that ever I had, but if I had had ten Horses, and never so many Armors I declare it upon my Salvation, I intended it for nothing but against the Papists, if they should make a disturbance, and whatever I did was with that design, and truly by the grace of God I would not have been the last man then, but I see whatever I provided my self with for that, they have turned it all another way, that it might be believed the Protestants were against the King and the established Government.

L. C. J. Those observations may be proper for you at last, Go on now with your Evidence.

Coll. My Lord, I am not a man of that great memory, I may forget it, and therefore I speak it now whilst I think of it.

L. C. J. Set it down in your Paper.

Coll. *Smith* says I talked with him coming from *Richard's* Coffee-house till we came to the Tavern, I do declare it, I went away before him, and went away with *Dr. Oats*.

L. C. J. Ask *Mr. Smith* that question if you will.

Coll. Pray Sir, do you know who went together thither?

Mr. T. Smith. I dare not undertake to say that, I cannot tell whether he went from the *Rainbow* Coffee-house with us, or no.

Coll. He says after we had dined we divided our selves into Cabals, two and two together, I do declare it as that which is the real truth I fell asleep behind the Table, if any body was divided it is more than I know, but *Mr. Smith* you can tell, because he says I spoke Treason to him when I was in the room, he and I in one Cabal.

Mr. T. S. My Lord, I remember nothing of that, nor do believe it, for I told you the room was so little that we could not divide our selves, And it is impossible in such a little compass where we were so many as we were, 14, or 15 of us; it may be one might talk to another that was next to him, but then the company must hear, and whether they did so or no, I cannot tell, I do not remember *Mr. Smith's* saying any thing to any particular person, but the great ingagement was between *Dr. Oats* and *Mr. Savage*, and about some Questions in Divinity, and that is the great matter I took notice of.

Coll. However, my Lord, I declare it, that was above a 12 Month ago, and I hope your Lordship and the Jury does observe that there was no new Arms were found, but what were provided a great while ago; All that know me, know I was never without a Case of Pistols and an Horse, though I was but a Joyner, and there is no more that you see now. And as to what *Smith* said about our going into Cabals that you hear *Mr. Smith* denies.

L. C. J. Will you call any other Witnesses?

Coll. Yes, if it please your Lordship. Do you know no more Sir?

Mr. T. Smith. I know no other thing, if I did, I would declare it.

Coll. Call *Dr. Oats's* brother, *Mr. Samuel Oats*. My Lord, thus you see *Smith's* testimony is false.

L. C. J. I do not see this contradicts his Oath, for he speaks of several times that he did speak with you, one was at *Wilcox's* which is this they speak of.

Coll. *Mr. Smith* says there was only that great discourse going on in the Room, and there was no such things as Cabals which he speaks of.

L. C. J. What do yo say as to this Witness?

Coll. Do you know Narrative *Smith*?

Mr. Oats. Yes Sir.

Coll. What do you know of him? Were you at the Dinner which *Mr. Wilcox* gave your Brother?

R

Mr. Oats

Mr. Oats. Yes, yes, I was at that Dinner.

Coll. Were you at the Coffee-house when I went along with your Brother?

Mr. Oats. Yes, we went with you. Coll. Did Mr. Smith go with us?

Mr. Oats. Yes, Mr. Smith followed us.

Coll. Did you hear any Treasonable discourse between us?

Mr. Oats. Not the least of a little word.

Coll. Did we go into Cabals two and two together there?

Mr. Oats. There was nothing at all of Cabals that I saw, from the time of going to dinner; for we came just as Dinner was going into the Room as I remember.

Mr. Serj. Jeff. What do you mean by Cabals?

Mr. Oats. That is as I discern by Mr. Colledge as if there had been Cabals amongst the Company.

Mr. Just. Jones. That is going by couples. Mr. Oats. Yes, yes.

Mr. Ser. Jeff. What did they talk of?

Mr. Oats. There was nothing at all spoken of?

Mr. Ser. Jeff. What did they say nothing all the while?

Mr. Oats. Nothing but matter of common discourse, matters of eating and drinking, and talking of Country affairs, there were several that had Lands in the Country and they were talking of those things.

Mr. Just. Jones. Were you there all the while? Mr. Oats. Yes.

Mr. Ser. Jeff. Hark you Sir, were there no disputations in Divinity?

Mr. Oats. Not at all.

Mr. S. Jeff. Nor of Philosophy? Mr. Oats. No.

Mr. S. Jeff. Why pray Sir did not Dr. Oats and Mr. Savage talk very pleasantly of two great questions in Divinity, the Being of God, and the Immortality of the Soul?

Mr. Oats. There was not a word of that, but only common discourse.

Mr. S. Jeff. Are you sure there was no such thing?

Mr. Oats. Not that I know of in the least, I sat at Table with them.

Mr. S. Jeff. Was it such a little Room that you could hear all was said?

Mr. Oats. There was Room enough.

L. C. J. People cannot give a perfect account of all things that have passed so long ago.

Coll. I did not hear that discourse my self, because I was asleep behind the Table; and perhaps Mr. Oats cannot remember it.

Mr. Sol. Gen. Was it before Dinner, or after Dinner that Colledge fell asleep behind the Table?

Mr. Oats. He was not asleep to my remembrance all the while.

Mr. S. Jeff. Recollect your self, pray, was Mr. Colledge asleep there?

Mr. Oats. I do not remember he was.

L. C. J. 'Tis impossible to give an account, and therefore Witnesses in Negatives are of little value.

Coll. Did Mr. Smith and you and I go together?

Mr. Oats. Mr. Smith followed us. L. C. J. How do you know that?

Mr. Oats. For you and I, and my Brother went together; You were a saying when we came out of the Coffee-house in a jocular way, Come Dr. I will go along with you and be one of your Guard. You spoke it in a jesting way, So you may if you please said my Brother. And so he went by my Brother's side, and I went by Mr. Colledge's side.

Coll. Do you remember how long ago that was?

Mr. Oats. It was the last Summer but to say exactly what month I cannot.

Mr. S. Gen. Mr. Oats answer me this Question, pray Sir. Mr. Oats. Yes, Sir.

Mr. S. Gen. From what place did you go.

Mr. Oats.

Mr. Oats. From *Richards Coffee-House*.

Mr. S. G. Who went along with *Colledge*?

Mr. Oats. He came along with my Brother and me; for he said to my Brother, I will be one of your Guard.

Mr. S. G. Who went along with Mr. *Smith*?

Mr. Oats. I don't know, I took very little notice of things.

Mr. *Serg. Jeff.* 'Tis sufficient that he can tell who went with *Colledge*.

Mr. Oats. I remember one thing: Mr. *Smith* would fain have perswaded me into something that my Brother should talk, but I heard nothing; said I, do not examine me upon such things, for I took little notice of any thing; but this I can say, whereas he does charge Mr. *Wilcox*, the Gentleman did not speak five words all the time he was there.

Mr. *Ser. Jeff.* He does not use to be so Melancholy, I assure you.

Mr. Oats. I did wonder at it my self, but he was not long with us, for I do not think he was there a quarter of the time; it seems he had a Son sick in the Countrey, and he was going thither.

Colledge. Have you any thing against *Macnamarra*?

L. C. J. He is no Witness here.

Coll. Do you know any thing against Mr. *Dugdale*? Mr. Oats. No, not I.

Coll. Then I can say no more to you. *L. C. J.* Call another Witness.

Coll. Call Mr. *Bolron*. *L. C. J.* What do you ask him?

Coll. Do you know *John Smith*? Mr. *Bolron*. Yes.

Colledge. What say you against him?

Mr. *Bolron.* May it please your Lordship, the last 25th of July Mr. *Smith*, and Mr. *Mowbray*, and my self were Travelling from *Tork* towards *London*. We lay the 24th. at _____ and the 25th. we were Travelling towards *London*: Mr. *Smith* did ask me, if I did remember what Discourse there was betwixt Sir *John Brooks* and I at *Ferry-Bridge*, when we were coming up before to *London*? I desired him to tell me what Discourse, and I would tell him if I did remember it or no. So my Lord he did say, the Discourse was, that Sir *John Brooks* did say, there would be cutting of Throats at *Oxford*, and that the Parliament did go provided, some with 8, some with 6, some with 4 men, and they were to meet at *Grantham*, and go together. This Discourse I did remember, That Sir *John Brooks* said, they went with Horse and Arms to secure them from Highway-men; and Sir *John Brooks* did then further declare, that the Discourse was, there would be cutting of Throats at *Oxford*, which made them go with Arms to defend themselves. Mr. *Smith* did further upon the 25, 26, 27, and 28th. of July (and it was our frequent Discourse) tell me, that he had given His Majesty an Account of it, which occasioned the Dissolving of the Parliament: That Discourse that was made to the King, was, that Sir *John Brooks* should say, there would be cutting of Throats at *Oxford*, and that the Parliament-men went provided with 4 or 5, 6 or 10 men apiece; and he did tell me, he had given a further Account, that there was to be a Consult at *Grantham*, wherein it was Resolved, that it was better to seize the King, than to let him go on. Now, this I knew nothing of, but he would have perswaded me to have given in this Evidence against Sir *John Brooks*, as to this Discourse. But I declare, I did never hear it, and Mr. *Smith* was the first man that ever I heard it from, I never heard it before in my Life.

Colledge. Would he have had you been an Evidence, and swore it?

Mr. *Bolron.* Yes; he said he had given an Account of it to the King, and if I did manage it rightly against my Lord *Shaftesbury* and *Colledge*, he would

would make me for ever; those two Persons were mentioned all along. But I do declare it, I did never hear them speak Treason against the King in my Life. And he did further tell me, that I must say so and so; for if we did not agree, it would signifie nothing. But my Lord, I know nothing of the matter, I never heard any one speak of it but Mr. *Smith*. My Lord, this is true, Mr. *Mowbray* was the man that was by when it was Discourfed.

Mr. *Just. Jones*. He would have had you sworn it, would he?

Mr. *Bolron*. I discovered it to my Lord Mayor.

Mr. *Att. Gen*. When did you discover it?

Mr. *Bolron*. Soon after I came to Town. Mr. *Att. Gen*. When was it?

Mr. *Bolron*. Some time last week. Mr. *Att. Gen*. Was it on Saturday last?

Mr. *Bolron*. It was the beginning of the week.

Mr. *Serg. Jefferies*. Thou art such a Discoverer.

Mr. *Bolron*. My Lord, 'tis very true what I say. If I had known any such thing, I would have discovered it.

Mr. *Serg. Jefferies*. Thou wouldest have discovered it before that time, of my Conscience.

Mr. *Colledge*. My Lord, he hath been an Evidence against the Papists as well as Mr. *Smith*, and therefore pray Sir *George* don't make your flourishes upon him.

Mr. *Serg. Jefferies*. He was an Evidence, but he had the misfortune never to be believed.

Mr. *Att. Gen*. Do you know any thing of any Pictures of Mr. *Colledge's* making? Have you seen *Raree Shew*? Mr. *Bolron*. Never in my Life.

Mr. *Att. Gen*. Did you not shew it in *Oxford*?

Mr. *Bolron*. No, never in my Life.

Mr. *Serg. Holloway*. Did you never declare to any Gentleman of *Oxford*, that *Colledge* made this Picture?

Mr. *Bolron*. I have seen the Character of a Popish Successor, but I never saw *Raree Shew*.

Mr. *Serg. Holloway*. Here is the very Gentleman, my Lord, that will make Oath of it.

Mr. *Bolron*. He was supposed to make them, I did not know that he did.

Mr. *Serg. Jefferies*. I do only desire one thing, I do not say, that you ever had *Raree Shew*, but did you ever tell any body that *Colledge* made any of these Pictures?

Mr. *Bolron*. I have heard of such a Paper, but I did never see it in my life.

Mr. *Serg. Jefferies*. Do you know that Gentleman, Mr. *Bolron*?

Mr. *Bolron*. I know him not.

Mr. *Serg. Jefferies*. I would ask you, whether you ever had any Discourse with that Gentleman?

Mr. *Bolron*. Never in my life.

Then the Gentleman was sworn, being a Master of Arts.

Mr. *Serg. Jefferies*. What is the Gentlemans Name?

Mr. *Serg. Holloway*. Mr. *Charlett*, of *Trinity Colledge*.

Mr. *Serg. Jefferies*. Pray Sir, do you know that Person there?

Mr. *Charlett*. My Lord, in the new Coffee-House that was by the Schools, that was set up in the Parliament-time, there was a Gentleman that is in the Court (I think) one Mr. *Dashwood*, and one Mr. *Box* were there together to drink a Dish of Coffee, and hearing that some of the Evidence were there, we desired their Company up, and that Gentleman was one; and among other Discourse, they were speaking of some Pictures, and they shewed us the Picture of the *Tantivies*.

Mr. *Ser. Jeff*. Did

Mr. S. Jeff. Did this man shew it you ?

Mr. Char. This very man, It was the Pictures of the Tantivies and the Tower, & he told me they were made by Colledge, he was a very ingenious man.

Mr. Bolr. I know nothing of it, the Character of a Popish Successor I have seen, but never the other; I never shewed him any such thing.

Then the Pictures were shewn him.

Mr. Char. It was something like this, but I cannot say for any of the other.

Mr. Bolr. The Character of a Popish Successor, I say I have seen, and Colledge himself hath told me he made the Character of a Popish Successor, I do not deny that I have seen that.

L. C. J. Would you ask him any more Questions ?

Mr. Balr. My Lord, I have something more to say concerning Mr. Brian Hains; In January, February and April last, several times I was in his Company, and I heard him say, he knew nothing of a Popish Plot, nor of a Presbyterian Plot neither, but if he were to be an Evidence he did not care what he swore, but would swear and say any thing to get money.

Mr. Just. Jones. Did he tell you so ?

Mr. Bolr. Yes, I did hear him say, To day he would be a Papist, to morrow a Presbyterian, he did not care for Religion, he would never die for Religion, he would be of that Religion that had the strongest party. My Lord, he told me so at my own house in Fleetstreet.

Colledge. He would say any thing for money, pray my Lord take notice of that, for so I find he does.

Mr. Bolron. Then there is Dennis Macnamarra, and John Macnamarra.

Mr. Ser. Jeff. We have nothing to say to them ?

Colledge. They have been Evidences against me, though you do not now produce them, they are all in a string, but they are not now brought because my Witnesses are prepared to answer them.

L. C. J. Will you call your next Witness ?

Colledge. Mr. Mowbray, Pray Sir do you know Narrative Smith, as he calls himself ?

Mr. Mowbray, Yes, my Lord.

Colledge. What do you know of it ?

Mr. Mowbray. I came up from York with him when I returned, after I was commanded down upon the Kings account to give in Evidence against Sir Miles Stapleton, he came to me the third of August, and called at my house in Yorkshire, and was very importunate for me to come up to London with him, for he said, he had a Letter come to him which commanded his presence at London very suddenly, and he produced that Letter which he said came from a Gentleman of the Court, or some Court dependent; so he read the Letter in Mr. Balron's hearing. We set forward on Sunday, and upon our journey to London he told me he had something of importance to impart to me, so upon the road he began to discourse of the Parliament and of the illegal proceedings and Arbitrary power of the 2 last Parliaments, he said their proceedings were very Illegal and Arbitrary, and he began to open some of the Votes as that which they voted, that those that should lend the King money upon the Crown lands, should be enemies to the King and Kingdom, and those that Counsell'd the King to dissolve the Parliament; and he repeated many Votes, and said he, these are signs of Arbitrary power, and certainly they design to take off the King; so he proceeded further to ask me what was the discourse of Sir John Brooks when we came up before, and he did much importune me to say, that Sir John Brooks did affirm there would be cutting of throats at Oxford, and that the King was to be seized there. I told him I could have no plausible pretence, because I had no acquaintance with Sir John Brooks,

nor did I come up with him, upon which he applied himself to *Bolton*, and importun'd him for the same, he asked me who I came up with, I told him I came up with 3 Members of Parliament, my Lord *Fairfax*, Sir *John Hewly*, and Mr. *Stern*; he asked me what Discourse we had upon the Road? And he asked, whether they had any Discourse that tended to justify their former Votes? For he said, if they did think to justify any thing of those Votes, or if they would not allow the King money, and stood upon the Bill of Exclusion, he said, that was pretence enough for any man to swear that there was a Design against the King, and that the King was to be seized at *Oxford*.

Colledge. An excellent pretence indeed, and like the rest.

Mr. *Mow*. He would have tempted me to swear against my Lord *Shaftesbury* the same. And he said, it would be well if I did appear on *Colledges* Tryal at *Oxon*, for it was a thing of great Consequence; the Popish Plot was thrown out of doors, and no man was looked upon that did speak of it.

Mr. *Just. Jones*. Was all this in the presence of Mr. *Bolton*?

Mr. *Mow*. No, my Lord. When he was discoursing about Sir *John Brooks*, Mr. *Bolton* rid up to us, and he applied himself to him, because I told him I had no plausible pretence to swear against him, having no Acquaintance with him.

Mr. *S. Jeff*. Pray Sir, let me ask you one Question, When came you from *Tork*?

Mr. *Mow*. We set forward the 3^d. day of *August* from *Wentbridge*.

Mr. *S. Jeff*. Pray who came with you in the Company? Mr. *M. Mr. Bolton*.

Mr. *Ser. Jeff*. That was a Sunday, as I take it. Mr. *Mow*. Yes.

Mr. *S. Jeff*. Then pray how long did you continue before you came to *Lond*.

Mr. *Mow*. I think we came in on the Thursday after.

Mr. *S. Jeff*. When was the first time Mr. *Smith* came into your company?

Mr. *Mow*. Upon the Road on Sunday. Mr. *S. Jeff*. Was that the first time?

Mr. *Mow*. Yes. He had been at *Tork*, and went further, and afterwards came to us.

Mr. *S. Jeff*. When did you come from *Tork*?

Mr. *Mow*. About the Thursday before, if I be not mistaken.

Mr. *S. Jeff*. Was it in a week before? Mr. *Mow*. Yes, within a week it was.

Mr. *S. Jeff*. And you and Mr. *Bolton* came together? Mr. *Mow*. Yes.

Mr. *Ser. Jeff*. And you left Mr. *Smith* behind? Mr. *Mow*. Yes.

Mr. *Ser. Jeff*. And he overtook you upon the Road?

Mr. *Mow*. Yes: He was to go further into the North as soon as the Tryal of Sir *Miles Stapleton* was over, and therefore he did very much importune me to stay in the Countrey till he came to go up with me.

Mr. *Ser. Jeff*. What day was the Tryal of Sir *Miles Stapleton*?

Mr. *Mow*. On the Monday before.

Mr. *S. J.* You are sure of that, & that Mr. *Smith* went further into the North?

Mr. *Mow*. I see him take Horse.

Mr. *Ser. Jeff*. But he did not come into the Company of you and Mr. *Bolton* till the Sunday after that.

Mr. *Mow*. See ye, Sir, He did desire me to stay in the Countrey till he came, for he had a business of great concernment to impart to me, but it would be a week or a fortnight ere he came, but yet he came in a shorter time, for he said, he had received a Letter that brought him up.

Mr. *Serg. Jeff*. You are sure of this? Mr. *Mow*. Yes.

Mr. *Serg. Jeff*. And you did not see him from the Monday before, till that Sunday?

Mr. *Mow*. No, no.

Mr. *S. Jeff*. Now then, I ask you, where was that place that he met with you?

Mr. *Mow*. At *Wentbridge*.

Mr. *S. J.* And then you came from thence towards *London* the next day? Mr. *Mow*. Yes.

Mr. *S. Jeff*. Now would I desire to know of you, for I perceive he did attack you to say some-

something against Sir *John Brooks*, and finding that you could not do it, because you had no Acquaintance, he applied himself to *Bolron*. I would know, was it between that place and *London*?

Mr. Mow. Yes, it was.

Mr. S. Jeff. And after the 3^d. of *August*? *Mr. Mow.* Yes, it was after we set out.

Mr. S. Jeff. I thought it had been the 24th. of *July* that you set out, and continued your Journey the 25, 26, 27, 28, & 29th. Alas, we have lost a great deal of time between *Mr. Bolron* and *Mr. Mowbray*. *Bolron* said, it was the 25th. they lay at such a place, and you are gotten to the 3^d. of *August*; you are mistaken certainly, as to point of time.

Mr. Mow. See, Sir, I will look in my Almanack, 'tis all set down there.

Mr. S. J. Let us see now if your *Oxford* Journey be as well set down, as your Journey to *London* is.

Mr. Mow. Here is my Almanack, Sir. *Mr. Jones.* Here, look upon his Almanack.

Mr. Ser. Jeff. *Mr. Jones*, I don't care for his Almanack, I had rather *Mr. Mow.* and *Mr. Bolron* could bring their Almanacks together, and I would have them compared to see whether the 3^d. of *August* in one be the 25th. of *July* in the other. Did you Discourse with him upon the Road the 3^d. of *August*, and not before, and *Bolron* that came up with you, Discourse with him the 25th. of *July*?

Mr. Mow. I am mistaken, I find.

Mr. Ser. Jeff. Ay, that you are, one of you most grossly.

Mr. Mow. See, Sir, here is my Almanack, whereby I find that it is my mistake; but pray see, Sir, here it is set down, the day we came out was the 14th. the day we came to *London* was the 27th.

Mr. S. Jeff. How didst thou set out the 3^d. of *August* from that place, and yet come to *London* the 27th. of *July*?

Mr. Mow. I will refer my self to *Mr. Smith*, as to the time we came up, & here is my Almanack.

Mr. S. Jeff. I will believe thy Almanack to speak truth, though it have never so many Errors about the Changes of the Weather, sooner than I will believe thee.

Coll. I perceive the man is mistaken in the moneth and the time; but pray my Lord will you please to see, for Justice sake, if the Almanack be new writ.

L. C. J. Look you, here is the matter, *Mr. Colledge*, he was asked again, and again, what day it was, and he was positive to the 3^d. of *August*.

Coll. He was mistaken, but his Almanack is right.

L. C. J. He speaks rashly, that is the best can be said.

Mr. Mow. It was a mistake of mine, Sir *George*, but my Almanack is right.

Mr. Ser. Jeff. Nay, *Mr. Mowbray*, don't enter into Dialogues with me, I only make a little Observation upon your Almanack. *Mr. Mow.* It was only my mistake.

L. C. J. You are a rash man to affirm so. If you had an Almanack, you should have consulted it, or referred to it.

Mr. Ser. Jeff. Nay, we have lost a day even by your Almanack; for yours says, it was the 27th. you came to Town, *Bolron* the 28th.

Mr. Mow. I refer my self to *Mr. Smith*, he can't deny, but he came up with us at that time.

Mr. S. Jeff. You were examined at Sir *Miles Stapletons* Tryal, was you not, *Mr. Mowbray*?

Mr. Mow. I was an Evidencethere. *Mr. S. Jeff.* Did the Jury believe you?

Mr. Mow. They did acquit Sir *Miles Stapleton*.

Coll. That is nothing to the purpose; so was *Mr. Smith* too.

L. C. J. Would you ask any thing further? *Coll.* Call *Mrs. Mary Bolron*.

L. C. J. If you have any more Witnesses, pray call them.

Mr. Just. Jones. *Mr. Mowbray*, was *Mr. Bolron's* Wife by when this Discourse was?

Mr. Mow. No, she was in Town, she did not go down with him at all.

L. C. J. Are you *Mr. Bolron's* Wife? *Mrs. Bolron.* Yes.

L. C. J. Well, what do you ask her? *Coll. Mrs. Bolron*, Pray do you know *Mr. John Smith*?

Mrs. Bol. Yes, I do know him. *Coll.* What can you say of him?

Mrs. Bol. He sent several times for my Husband and *Mr. Mowbray* to my House, something he would have them be concerned in, some business he had in hand. *L. C. J.* When was that?

Mrs. Bol. Within this 3 weeks, since he came up from *York* Assizes.

Coll. You may see there was an understanding between them then.

Mr. Just. Jones. Did they go accordingly?

Mrs. Bol. Now and then they have gone to him, but they knew his business, because they had Discourse with him, as they said, upon the Road, and they would not go.

L. C. J. Would you ask her any thing else? What do you know more?

Mrs. Bolron. Nothing, for I am not one that stirs much abroad.

Colledge. Call *Mr. Everard*. *L. C. J.* What do you ask him?

Colledge. As for *Mr. Everard* I need not ask him whether he knows him, for they know one another well enough: But *Mr. Everard* that I would ask you is this, what do you know of

of Mr. Smith, and of this contrivance against me?

Mr. Everard. Mr. Smith I have been to see of late, and he told me he knew of no Presbyterian or Protestant Plot, and when my Lord Howard was tried, that is, the Bill brought against him, he said, he wondered how my Lord Howard could be Guilty, and that both himself and I were joyned as Evidence to that Jury, only to put a gloss upon the Evidence, for says he, I have nothing material to say.

Colledge. Mr. Everard, Do you know any thing more concerning him, what he hath said at other times concerning me?

Mr. Everard. I have told you already, what I have heard him say, That he thought there was no Protestant or Presbyterian Plot, and that now of late within this little while.

Coll. Pray Sir was there not some discourse betwixt Just. Warcup and you in *Lintons Inn* walks.

Mr. Everard. Is Justice Warcup an Evidence here?

Colledge. 'Tis all but Evidence of a Presbyterian Plot, therefore pray Sir, what was the discourse between Justice Warcup and you? what would he have had you done?

L. C. J. I think it is not material, there is nothing of Mr. Warcup in this.

Mr. Everard. If the Court does allow of it, I will freely tell it.

Coll. My Lord, the Papists design is to turn a Protestant Plot to turn off themselves, and they begin with me, but if I should go they would turn against me, they would be at others.

L. C. J. There is nothing concerning a Presbyterian or Protestant Plot in this Case.

Colledge. My Lord, If there be no Presbyterian Plot, and others to joyn in it, how could I do it by my self, 'tis impossible I should have such a design of Seizing the King, and improbable I should speak it. Now my Lord, this was followed to burden on for an Evidence of such a Plot.

L. C. J. I tell you it is not material, Mr. Warcup is not concerned on your Trial.

Mr. Everard. Justice Warcup would have persuaded them to have sworn against some Lords a Presbyterian Plot, but I deny that I know any such thing of them.

Colledge. The Papists aim is not at me only, but at others.

Mr. S. Jeff. We have nothing to do with what you and Justice Warcup talked of; for Example sake my Lord, let us have no discourses that concern third persons brought in here.

L. C. J. Would he have persuaded you to say any thing that was not true?

Mr. Ever. He did not say positively those words, but he said, I knew several Lords.

Mr. Just. Jones. Now here is Mr. Justice Warcup's fame traduced behind his back in the face of the Countrey, and it is nothing to this cause before us.

Coll. My Lord, I desire to know what he knows of those things, and that he may speak it out, 'tis a material thing for me and others: Here is a design of the Papists to turn a Plot upon the Protestants, they begin with me, and if they have any blow who may feel the effects of it next I cannot tell.

L. C. J. Truly I think it not material to your Case, and indeed 'tis of ill consequence to have any man traduced behind his back.

Colledge. My Lord, *Macnamarra* told me, that that man would have sworn to have retracted his Evidence; upon my salvation 'tis true.

L. C. J. We meddle not with *Macnamarra* neither, he is no Evidence against you.

Coll. *Macnamarra* hath sworn against me at the *Old-baily*, and at the finding of this Bill, but they have laid him by upon some trick or other, I desire Mr. *Boon* may tell what he knows.

Mr. Ev. I would not reflect upon any person, nor will I answer if the Court do not think fit.

Coll. My Lord, this is foul play, if I die my self for my Countreys sake, I can do it freely, and the will of God be done, I would have the truth out for the sake of the Protestants.

Mr. Everard. I am very willing to tell the truth if the Court think fit.

L. C. J. I see not that he says Mr. Warcup would have had him swear that which was not true.

Mr. Ev. But this he said, if the Court will allow me to speak it, Just. Warcup said, that certainly there was a Presbyterian Plot, and such things; and that some Lords, some of the Protestant protesting Lords must be guilty of it, and said he, certainly you know much of it, You know such and such things, therefore you may safely swear it, if I knew it, so by argument he would first prove there was a Plot and Combination amongst those Lords, and then said he this you may safely swear.

Mr. J. J. What is this to your purpose Mr. Colledge? only Mr. Warcup's name is brought upon the Stage when he is not here to vindicate himself.

L. C. J. Would you ask him any thing else?

Coll. If he does know any thing more of any of them, I desire he would speak it.

Mr. Ev. Concerning Mr. *Haynes*, he told me it was necessity that drove him to speak any thing against the Protestants and the hard P. and the gratitude he did receive from the Citizens.

L. C. J. Just.

L. C. J. Where did he tell you this?

Mr. Everard. In the fields neer Grays-Inne.

L. J. C. How long since?

Mr. Everard. About three weeks ago. I asked him, **Mr. Haynes**, said I, I would not draw you from your Testimony in any thing; but how can this be congruous to what you have said formerly, That you knew nothing by them? The truth is, said he, I will not say much to excuse my self, but my Wife was reduced to that necessity, that she begg'd at *Rouse's* door, and craved some Salary, and **Mr. Rouse** would not give her any; and, said he, meer necessity drove me to it.

Colledge. He found better Pay in another place.

Mr. Everard. And, says he, 'tis Self-preservation in the next place: for I was brought in guilty when I was taken up, and therefore I was obliged to do some things to save my Life.

Colledge. Pray, my Lord, and Gentlemen, observe what this Gentleman says, **Haynes** takes this course to destroy innocent persons for his own preservation.

Mr. Everard. Besides, he told me there is a Judgment impending upon the Nation, said he, either upon the King, or upon the People, I know not which; but these Irish mens swearing against them, is justly fallen upon them for their Injustice against the Irish in ousting them of their Estates.

Colledge. So he did it then by way of revenge. For his Country-men, I have nothing of their Estates, I am sure; therefore they had no cause to swear against me. But, **Mr. Everard**, have you any more to say concerning any of them?

Mr. Everard. No more concerning those persons that have sworn against you, I can say no more.

Colledge. As to *Dugdale* or *Turbervile*?

Mr. Everard. No indeed.

Colledge. As to this Presbyterian Plot, Sir?

Mr. Everard. If the Court does allow concerning other persons; but I would not intrude any thing but what the Court shall think fit.

Colledge. I know not but they may come in against me; therefore pray tell what you know. **Mr. Everard**, do you know any thing more? Pray let me know what you know.

Mr. Everard. Nothing of any person that hath appeared against you as yet, but what I have told you.

Colledge. They may do, Sir.

L. C. J. And then we may properly hear him to them, and not before.

Colledge. I desire to know who they are; pray let me know their names.

Mr. Everard. *Fitzgerald*.

L. C. J. He hath been no Witness here.

Colledge. Call *Thomas Parkhurst*.

L. C. J. What do you ask him now he is here?

Colledge. What do you know concerning *Mr. Dugdale*?

Mr. Parkhurst. Sir, the latter end of the last November, when the Parliament sat at *Westminster*, several times *Mr. Dugdale* having promised me his further Narrative to publish which he printed, I met him several times; one time I met him at *Richard's* Coffee-house, and it was towards the evening before we went away; he told me and **Mr. Symonds**, that he was to speak with *Dr. Tongue*; and he told us, that this *Dr. Tongue* did lie at **Mr. Colledge's**; and he having spoken the day before, and several times, of the danger he was in of his being assassinated by the Papists, **Mr. Symonds** and I offered to go with him, and we took a Coach; for we did not know where **Mr. Colledge** lived: he had then a Rheum in his Eyes, and was not well; so we accompanied him to **Mr. Colledge's** to speak with *Dr. Tongue*. It was the evening when we went; and whilst we took a Pipe of Tobacco, in our discourse we were speaking of the times, and of the danger of the Papists; so **Colledge** took down a steel Hat that hung up there, which he said he had, and he said he had a quilted Coat of Defensive Armor, and he said he had a Blunderbush in his house, and two Pistols. But I little thought of any thing of this, neither did I know well what I was subpoena'd down for: But these Arms I saw in his house, and it was only in discourse that he was provided against the Papists; so I put the steel Hat upon my head and pulled it off again, and so did **Mr. Symonds**.

Colledge. Did I say any thing, Sir, who I had those Arms against?

Mr. Parkhurst. At that time there was no discourse in the world, but of the danger from the Papists; and he said he was provided for them, if they did come to make any disturbance.

L. C. J. When was it, Sir?

Mr. Parkhurst. It was about the latter end of November. I have the Narrative that I printed, which was the 23th or 24th; and I have no directions but that to remember the exact time. So we carried *Mr. Dugdale* home again in a Coach, and gave him a pint of Wine at his Lodgings.

L. C. J. This does not contradict *Mr. Dugdale* at all.

Mr. Parkhurst. *Mr. Dugdale* does own this for a truth.

Mr. Serj. Jefferies. So may any body own it.

Colledge. Where is *Mr. Symonds*? Pray, Sir, what do you know of *Mr. Dugdale*?

Mr. Symonds. What about, Sir?

Colledge. I have your name here, Sir, but I know not for what.

Mr. Symonds. I can say the same that *Mr. Parkhurst* did; that I suppose is the business. All I know of it is this: I was with *Mr. Parkhurst* and *Mr. Dugdale* at *Richard's* Coffee-house some time in November, I think it was about the printing of *Mr. Dugdale's* further Informations; and *Mr. Dugdale* was saying, *Dr. Tongue* had sent for him, but spoke as if he was fearful of some danger in going alone; so we proffered to go along with him, and we took a Coach at the Coffee-house-door, and went with him to *Dr. Tongue*, who lodged at *Mr. Colledge's*. When we came into the Room, *Mr. Parkhurst* and I thought fit we should in civility withdraw, which we did; and *Mr. Colledge* brought us down into another Room, where we sat and took a Pipe of Tobacco, and talking about the common discourse of the times, about the Papists and the danger from them, there hung up in *Mr. Colledge's* Room some Arms; what they were, I dare not charge my memory with to swear particularly, but I do think there was a silk Coat of Mail, and there was a Cap of Steel, and as I take it, it was covered with Cloath or some such thing; what else I can't well say: I think there was a Blunderbuss and a Case of Pistols: And all the discourse that I remember then, was onely this; Speaking of the Papists, and some fears as if there would be an Insurrection amongst them, said he, Let the Papist Rogues begin when they will, I am ready to defend my self for one. This is all I know.

Colledge. Pray, Sir, how long ago was this? *Dr. Tongue* died before Christmas at my house.

Mr. Symonds. I cannot tell exactly when it was; but during the Session of Parliament I am sure it was, and as I take it, in November the latter end.

Colledge. So then, pray, my Lord, see that these Arms they charge me withal, were provided before Christmas.

L. C. J. But there is nothing that contradicts *Dugdale's* Testimony in all this.

Colledge. It does sufficiently contradict him.

L. C. J. I do not see that this does at all contradict what he hath said; but do you observe what you will upon it, when you come to make your Defence.

Stranger. A Gentleman below desires you to call *Mr. Yates*.

Colledge. Pray, Sir, what do you know concerning *Dugdale*?

Mr. Yates. I know that *Mr. Dugdale* sent for me to a Coffee-house to bespeak a Pistol for you, and told me that when I had made the Pistol, I should deliver it to *Mr. Colledge*, and *Mr. Dugdale* promised to pay for it when I had done it. Now some time after I did some small matter for *Mr. Dugdale*, cleaned his Pistols, or some small business; and *Mr. Dugdale* asked me if I would drink a pint of wine, which I agreed to; and being at the Tavern, *Mr. Dugdale* asked me if *Mr. Colledge's* Pistol were done. I told him no, it was not as yet. So I asked *Mr. Dugdale*, because he had promised to give *Mr. Colledge* a Pistol, what obligation there was betwixt *Colledge* and him, that he should give him a Pistol? to which he answered, that *Mr. Colledge* had been serviceable to him in lending him a pair of Pistols to ride withal sometimes. So he gave him a Pistol to satisfy him for the wearing of his Pistols now and then. I thought, said I, *Mr. Colledge* did impose upon your good nature too much, not but that I believe *Mr. Colledge* is a very honest man, and stands up for the good of the King and the Government. Yes, said *Mr. Dugdale*, I believe he does, and I know nothing to the contrary.

Mr. Att. Gen. When was this?

Mr. Yates. A little after the Parliament sat at Oxford; for I never knew *Mr. Colledge* before *Mr. Dugdale* set me a work for him.

Col-

Colledge. Mr. *Yates*, pray was there nothing in the Coffee-house about one that he asked to go with him, when he said he knew nothing against me?

Mr. Yates. I heard one say

Mr. Serj. Jefferies. You must speak your own knowledge, you must not tell a tale of a Tub of what you heard one say.

Mr. Yates. I heard it affirmed —

Mr. Serj. Jefferies. But by whom?

Mr. Yates. By a person in the Coffee-house.

Mr. Serj. Jefferies. Who was that person?

Mr. Yates. By one of the Servants of the House.

L.C.J. That is no Evidence at all: if you know any thing of your own knowledge, speak it.

Mr. Serj. Jefferies. Is he here?

Mr. Yates. No, I think not.

Mr. Just. Jones. How long do you think must we sit here to hear other peoples stories?

L.C.J. If you know any thing of your own knowledge, I say, speak it.

Mr. Att.Gen. Pray let me ask you that question again, When was this that he said he believed he was an honest man?

Mr. Yates. It was about three weeks after the Parliament sat at *Oxford*.

Colledge. Then he does me wrong now: for if I were an honest man then, it cannot be true that he says of me.

L.C.J. Who do you call next?

Colledge. Pray, my Lord, who hath been Sworn against me?

L.C.J. There is *Stephen Dugdale*, *John Smith*, *Bryan Haynes*, *Edward Turberville*, *Sir William Jennings*, and *Mr. Masters*.

Colledge. Call *Mr. Clayton*. My Lord, at his House it was I lay in *Oxford*, and that *Dugdale* says I spake some of the Treasonable words: pray, Sir, do you know what time I came to *Oxford*?

Mr. Clayton. I remember it very well, it was at the time the Parliament sat at *Oxford*, about two or three days after it began.

Colledge. Pray what Arms did I bring to your house, Sir?

Mr. Clayton. As to the matter of Arms, there was no other, but a Sword and a pair of Pistols, a pair of Pistols in his Holsters, and his Sword by his side.

Mr. Att.Gen. Was there no Silk Armor?

Mr. Clayton. I saw none, if it please you, such a thing might be.

Colledge. My Lord, I continued at his house from my coming in to my going out, and that was till after the Parliament was Dissolved; and I came after they were sat: but heark you *Mr. Clayton*, *Mr. Dugdale* says he was with me at your house, did you ever see him there?

Mr. Clayton. I remember I have seen *Dugdale* at my house, but never in your company.

Colledge. Did you sell any Mum?

Mr. Clayton. No, I never did sell any in my life.

Colledge. Because he says we had Mum there.

Mr. Clayton. I never saw him there with you, nor changed any word with him, as I know of.

L.C.J. Was he never in the Company of *Colledge* at your house?

Mr. Clayton. Not that I saw.

Mr. J. Jones. You don't know all the Companies that come into your house.

Colledge. My Lord, I am told there are some that came from the Town where I was born that know me, and have known me for twenty four or twenty five years together, if you think that material for me to prove whether I am a Protestant or no.

L.C.J. If you will make out that, you may. But 'tis your Loyalty that is in question. If you will produce any that can make it appear; that you use to honour the King in your discourse, or so, that is something.

Colledge. If I am a Protestant, then the design is plain, these men Swear to make a Protestant Plot, and turn the Plot off the Papists.

Mr. Serj. Jefferies. What Church do you frequent in *London* to hear Divine Service?

Colledge. I have received the Sacrament several times, Sir *George*.

Mr. Serj. Jefferies. When were you last at the publick Church?

Colledge.

Colledge. I hope I may be a Protestant if I have not gone thither; but however, I do use to go to Church.

L.C.J. Well, call whom you will.

Colledge. Is *Thomas Deacon* there?

Mr. Deacon. Yes.

Colledge. He lives my Lord in the Parish where I was born. If you please *Mr. Deacon* to give my Lord an account what you know of me from my Childhood.

Mr. Deacon. I have known *Mr. Colledge* ever since he was a youth, he was born in the Town where I live.

L.C.J. Where is that?

Mr. Deacon. At *Watford*, a Town in *Hertfordshire*. There he lived till he was a man, and Married a Neighbours Daughter of mine, and lived there while he had two Children; I never knew but that he was a very honest man, frequented and kept to the Church of *England* all along, and paid every man his own.

Mr. Att. Gen. How long is it ago since he left that place?

Mr. Deacon. I can't directly tell how long it is truly, but I think 'tis eighteen years since you left *Watford*.

Colledge. 'Tis fourteen years ago.

Mr. Just. Jones. You say fourteen, and they say eighteen.

Mr. Deacon. I say, I can't exactly tell.

Colledge. But *Mr. Deacon*, I have been in your Country lately.

Mr. Deacon. He used to come there once or twice a year generally to see his friends. I have heard him declare himself against the Popish Church always very much.

L.C.J. Did you never hear him talk against the Government?

Mr. Deacon. No, never in my life.

Mr. Serj. Jefferies. Nor against the King?

Mr. Deacon. Nor against the King.

Mr. Just. Jones. Was he in your Country the last *Easter*?

Mr. Deacon. I think it was about *Easter* he was there.

Mr. Just. Jones. Was he at Church there then, and received the Sacrament?

Mr. Deacon. I know not whether he was there of the Lords-day or no: He did quarter at another Town, at *Bushy*, where he has a Brother-in-law.

L.C.J. Well, call another.

Colledge. *Mr. Whitaker.*

L.C.J. What is your Christian Name?

Mr. Whitaker. *William.*

L.C.J. What do you ask of him?

Colledge. Whether he knows me and my Education?

Mr. Whitaker. Sir, I have known him this six and twenty years. I knew his Parents, I know his Mother, she lives now at *Watford*. I have known his behaviour to be very civil and good; a very good Church-man he was when he lived with us; and I have inquired, and find he has the same Reputation in the Parish where he last lived in *Black-fryers*: He was no Jesuit nor Papist, I dare aver; he hath flouted them and mocked them with their Wooden Gods, and the like; for he never could endure that Perswasion.

L.C.J. He is not questioned for that, but for Treason.

Colledge. Did you ever hear me speak any thing against the Government?

Mr. Whitaker. I never knew of any ill behaviour of him in my life.

Colledge. But did you ever hear me say any thing against His Majesty or the Government?

Mr. Whitaker. Never that I know of. I knew him a Souldier for His Majesty, in which service he got a fit of sickness, which had like to have cost him his life; he lay many Months ill, to his great charge.

Mr. Serj. Jefferies. Where was it he was in His Majesties Service?

Mr. Whitaker. At *Chatbam*-business.

Colledge. It was under my Lord *Rochester*. But, my Lord, I have a Testimonial under the hands of seventy people of *Watford*, to give an account of my good behaviour.

Mr. J. Jones. He hath been gone thence these eighteen years.

Mr. Whitaker. He hath come there almost every half year, sometimes three or four times in a year, because his Mother lives there now, and he came to pay his respects to her. His Children lived and went to School with us.

L.C.J. Come, who do you call else ?

Colledge. *Mr. Neale.*

Mr. Neale. I can say no more than the other men before me. I know the man, he was bred and born at *Watford*, he lived there several years, he Married a Wife out of the Neighbourhood, frequented the publick Worship.

L.C.J. How long ago is this ?

Mr. Neale. Sixteen or seventeen years ago. But then he used to come once or twice a year into the Countrey.

Colledge. Did you ever hear me speak any thing against the King or the Government ?

Mr. Neale. No, never in my life.

Colledge. How long is it ago since you were in my Company last ?

Mr. Neale. When you were in Town last, I never heard you say any thing that was ill.

Colledge. How long ago is it since we were at the *White Hart* together ?

Mr. Neale. It was about Spring.

Colledge. I said right, my Lord, I was there about *Easter*. Pray did you ever hear me speak for the King ?

Mr. Neale. Truly the discourse we had I never used to keep in my mind, but I never heard him speak any thing against the King or the Government.

L.C.J. Were you much conversant with him ?

Mr. Neale. When he came down to give his Mother a visit, and see his Neighbours, we used always to see one another.

Colledge. Pray will you call *Mr. Tanner* and *Mr. Remington*.

[*Mr. Remington stood up.*]

Mr. Remington. I say I have known *Stephen Colledge* these forty years, and I have known that he always was an honest man. He was a Souldier some time, but he always went to Church, was no Conventicler; and used to visit his Neighbours when he came down to see his Mother, and was always looked upon to be a very good man.

Mr. Serj. Jefferies. You say you knew him a Souldier, pray when was that ?

Mr. Remington. About the time of *Harwich* business. That is all I can say.

[*Then Mr. Tanner stood up.*]

L.C.J. Come, what say you? what do you ask him, *Mr. Colledge* ?

Mr. Tanner. I have known *Stephen Colledge* from a Child forty years, he was born at *Watford*, his Father worked with my Father, and great intimate acquaintance we had with him, and saw him very often; I never knew any fault in him, and I never heard a bad report of him in all the Town of *Watford*.

Mr. Serj. Jefferies. Have you seen him at Church lately ?

Mr. Tanner. No, I have not.

Mr. Att. Gen. I would fain know whether this man hath been at Church himself; he looks as if he had not.

Colledge. I know not whether he hath been at the Church you mean or no; but he may be an honest man and a Protestant for all that.

L.C.J. Call another.

Colledge. *Mr. Peter Norreys.*

L.C.J. What do you ask him, *Mr. Colledge* ? here he is.

Colledge. Do you know any thing concerning *Mr. Smith* ?

Mr. Norreys. I was once in the *Hercules Pillars* where was *Sir William Waller*, *Macnamarra*, *Mr. Joy*, and five or six of us together; and *Mr. Smith* was there, and we were talking concerning the Parliament approaching at *Oxon*.

Mr. Serj. Jefferies. Tell the names of the rest.

Mr. Norreys. *Sir William Waller*, *Macnamarra*, *Mr. Ivy*, *Mr. Lewes*, *Macnamarra's* Brother, and I, and *Mr. Smith*.

Mr. Serj. Jefferies. Well said; we don't meddle with any of these, but *Mr. Smith*.

L.C.J. Was *John Smith* there ?

Mr. Norreys. He was there.

L.C.J. Well, go on then.

Mr. Norreys. We were talking of the Parliament at *Oxon*. Says *Sir William Waller*, Most of the Parliament-men are afraid to go up to the Parliament. Truly, said *Smith*, I hope they will be provided to go, if they do go. Says *Sir William Waller*, I shall be provided with the rest of my friends; and *Mr. Colledge* said, I will go up with the rest of

the Parliament-men ; I shall be provided too, says most of the Evidence ; says Sir *William Waller*, Will you go along with me, and I will provide you with an Horse ; said he, I have an Horse of my own , and if it please God I will have nothing else to do but to go with the Parliament, and I will not neglect it. This was all the discourse of the company for that night.

Colledge. Did you hear *Mr. Smith* say any thing against me ?

Mr. Norreys. No, not a word at all.

Colledge. But this were a material Evidence against others of the Confederates, if they had been examined.

Mr. Norreys. My Lord, I was at the *Amsterdam* Coffee-house the twenty third of *June* last, and there was *Mr. Denis Macnamarra* ; said he, Will you go, and I will give you a pot of Ale

L.C.J. There is nothing of *Denis Macnamarra* in question before us. If you have any thing to say against any of the Witnesses that have been Sworn, go on with your Evidence, we must not hear stories of other people.

Colledge. He would speak against some men that have Sworn against me, but are left out for some Reasons I know not. Pray call *Mr. Thomas Norreys*.

L.C.J. What do you ask him ?

Colledge. My Lord, he knew me in this Country some fifteen or sixteen years ago.

Mr. T. Norreys. My Lord, I have been acquainted with *Mr. Colledge* about sixteen or eighteen years, and he hath always carried himself very civilly and well, and he kept to the Church for a considerable time as duely as any Parishioner did.

L.C.J. How long have you known him ?

Mr. T. Norreys. This sixteen year.

L.C.J. You live in this Country, don't you ?

Mr. T. Norreys. Yes, at *Aylsworth*.

Colledge. I was at *Astrop-wells* last year. I believe *Mr. Justice Levins* saw me there.

Mr. T. Norreys. Yes, I was there with you.

Colledge. We did discourse commonly then concerning the Papists. Pray, Sir, did you find me inclined to the Popish Interest ?

Mr. T. Norreys. You spoke very much against them.

Colledge. Did you ever hear me speak against the King or the Government ?

Mr. T. Norreys. No, I never heard it ; for if he were my Brother, I should have discovered it.

L.C.J. How often have you seen him ?

Mr. T. Norreys. Very often, and conversed much with him.

Colledge. My Lord, as to the Papers charged upon me that they were mine, I declare I know not of them. *Dugdale* says I owned them, and the Letter and several Prints ; but truly, my Lord, I had done myself a great injury if I had done or owned those things he hath charged me withal. I never could make a Picture, nor never did draw a Picture in my life ; and that very person that he says I owned I got it to be printed by, hath denied it before the King and Council ; for he there testified, that he did not know the person that caused it to be printed.

L.C.J. How came you to have so many seized in your house ?

Colledge. My Lord, here is *Elizabeth Hunt*, the Maid by whom they were taken in, and who can give you an account of it. I cannot deny but that they were in my house ; but that I was the Author, or did take them in, is as great a mistake as ever was made. Call *Elizabeth Hunt*. I do not know whether *Curtis* be in Town ; but this I am confident, he was Examined before the King and Council, and he and his Wife denied it.

L.C.J. He shall be called if he be here.

Colledge. I know nothing of the printing of them, nor was I the Author of them.

L.C.J. They were dispersed by you up and down.

Colledge. That they were in my house, I believe, my Lord ; and this woman will tell you how, my Lord. Pray tell the Court how these Papers that are called the *Rare-shew* came to be in my house.

El. Hunt. A Porter brought three bundles to our house, and asked whether my Master was not within. I told him, no, he was not. Said he, These Papers are to be left here ; said I, Who do they come from ? said he, 'tis all one for that, you must pay me, and I must leave them here ; so I gave him six pence, and he left the Papers, but I never saw the man

man since nor before. And, my Lord, I never read them what they were, but I saw they were such sort of prints as those.

L.C.J. How long was it before they were seized?

El. Hunt. A matter of seven or eight weeks.

Colledge. My Lord, it seems they were put in a Box, and left in my Counting house: I never touched them, but there they staid, for ought I know, till they were taken.

L.C.J. You were *Colledges* Servant, were you not?

El. Hunt. Yes, my Lord.

Colledge. My Lord, I neither knew the Printer nor the Author; but I heard a man was in trouble about them, upon a By-Law in the *Stationers* Company.

Mr. Att. Gen. How came you by that Original?

Colledge. Have you it there? I know of none was produced. But if I were a person concerned, it were no Treason; and, my Lord, I hope you will do me that Justice, to let the Jury know they are not Treason, none of these Papers. And I do declare I know nothing of the Original, the Printer, nor the Author.

L.C.J. You spend time in making Observations out of order of time: when you have given your Evidence, then make your Observations.

Colledge. I confess I may erre as to matter of Order, for I was never in this capacity before. But pray do you tell the Court how the Papers came there, and all the transactions. For I was a Prisoner when they came and searched.

L.C.J. No, it was eight weeks before you were taken they were left there.

Mr. Serj. Jefferies. Did you tell your Master soon after they were left there?

El. Hunt. No.

Mr. Serj. Jefferies. Within what time did you tell him?

El. Hunt. I believe it was a week or a fortnight.

Mr. Att. Gen. Where was your Master all that time?

El. Hunt. He was in the Countrey.

Colledge. My Lord, I did see them there, I must confess, I do not deny but I saw them there, but I knew not whence they came, nor whose they were. Nor did I ever intend to meddle with them, nor concern my self about them. What have you to say more?

El. Hunt. Concerning *Mr. Dugdale*, if I may speak.

L.C.J. Ay, go on.

El. Hunt. I went to receive the Money of *Mr. Dugdale* that he owed my Master, and asking him for it, he said, he would pay me such a time to morrow morning, if I would come for it; but when I came, he had not the Money ready for me. Sir, said I, I think 'tis very hard that you should keep my Masters Money from him, and yet you go and Swear against his Life too: what do you think we shall do at home in the Family, if you keep my Masters Money and he be in Prison? Said he, There is a great deal of do about my Swearing against your Master, more than needs; but as I hope for Salvation, I do not believe *Mr. Colledge* had any more hand in any Conspiracy against His Majesty, than the Child unborn. Here is *Dugdale*, let him deny it if he can.

Mr. Dugdale. As I hope for Salvation I did not say so.

El. Hunt. Upon my Salvation 'tis true what I say.

Stephens. This was the Maid that hid her Masters papers when they were searched for.

Mr. Serj. Jefferies. Be quiet; art thou got into Dialogues with the Maid now?

Colledge. *Mr. Stevens*, 'tis well known what a man you are to propagate Witneses. My Lord, she gave me an account of this in the *Tower*, before I came away, that *Dugdale* desired to speak with *Mr. Smith*, and told her, that nothing that he had to say would touch my Life.

El. Hunt. As I am alive 'tis true.

L.C.J. *Mr. Dugdale* denies it now.

El. Hunt. He is not a right man if he denies it, for he told it me twice.

Colledge. I told *Mr. Smith* of it, when he had leave to come to me: I told him what the Maid said, he had said to her, and this was three weeks ago; said he, I will speak with him with all my heart, if he has a mind to speak with me; for he hath said that he hath nothing against her Master that can touch an hair of his head, nor nothing that can touch his Life, that he knew nothing of a Plot or contrivance against the King; and if I could help it, I had as lieve have given a hundred pound I had never spoken what I have. This he said to her.

L.C.J.

L. C. J. You tell her what to say.

El. Hunt. Sir, he does not tell me; for *Mr. Dugdale* said those very things to me.

Colledge. This is an account I had when I was a Prisoner; I could not direct her.

L. C. J. Do you deny what they say to be true, *Mr. Dugdale*?

Mr. Dugdale. My Lord, she came to me for money; I told her I had it not ready, but would pay her: And in the shop, before the Apprentice-boy, she desired of me that I would write two or three words what I had to say against her Master; and I told *Mr. Graham* of it. So, said I, I cannot tell, I have not the Papers, nor what Informations I have given against him. So she came again the next morning, and she was at me to write down what I said. I wonder, said I, your Master will send you! had not he as good send *Mr. Smith*, who is his Counsel? And this was all the words we had.

El. Hunt. My Lord, I do solemnly assure you, he said he would write down what he had said against my Master, and would fain speak with *Mr. Smith*; for there was more ado made about it than needs.

Mr. Dugdale. *Mr. Graham* can tell what it was; for I came and told him immediately.

L. C. J. Did you tell her you had nothing to say against her Master that would touch his life?

Mr. Dugdale. I could not say that I had said nothing against her Master; for she asked me that I would write down what I had said; but I told her I knew not what was Treason, that must be referred to the Court.

Mr. Just. Jones. Did he speak it openly or privately to you?

El. Hunt. He did not speak it aloud; no body heard him but my self.

Mr. Dugdale. It was in the shop, and the Apprentice-boy was by.

Mr. Just. Levins. Was this after he had been at the *Old-bayly*, or before?

El. Hunt. Yes, it was after he had been at the *Old-bayly*, and after he had been at *Oxon* too.

Mr. Just. Levins. Then it was before the Court what could be made of it.

Colledge. She hath gone forty times for the money I lent him out of my pocket; and I lent him that, when I had little more my self.

El. Hunt. I did tell him, *Mr. Dugdale*, if you can't let me have my Masters money, if you please to tell me what you have made Oath against my Master. Said he, I can't let thee have it now; but thou shalt have what I have to say against him: I will draw it up in Writing, and thou shalt have it to morrow-morning. The next morning I came to him again, and said I, I am come again; what must I do? Said he, I have no money; such an one hath not hoped me to it. Sir, then, said I, I hope you will be as good as your word, to let me know what you have made Oath against my Master. Said he, I was about it yesterday, but could not do it: But, Sweetheart, said he, (and took me by the hand) I will give you a Copy of it to day at ten of the clock; and if I do not, I will tell it thee by word of mouth. So I came to the house at ten, and staid till eleven, but did not see him.

Mr. Just. Jones. You had a great mind to be tampering.

El. Hunt. The first time, he asked me who was his Counsel; I told him, *Mr. Smith*; then said he, I have a great desire to speak with him: So I told my Master of it.

Colledge. My Lord, you see it is but black and white, all this whole contrivance upon me. She hath proved I knew nothing of these Papers; and indeed I did not.

L. C. J. Do you call any more Witnesses?

Colledge. There is my Brother-in-law that received those Papers. Call *George Spurr* and *Sarah Godwin*.

[*Mrs. Godwin appeared.*]

Colledge. Do you know any thing of the Papers that were carried to my Brother *George Spurr*?

Mrs. Goodwin. Yes, I do. The Saturday after my Brothers Confinement, about eight of the clock in the morning, I having heard of it, came into the House, and in a quarter of an hours time, in comes a Waterman and desires an handful or two of shavings. I knowing not who he was, nor what he desired them for, told him, he should have them; so he went up to the working shop to gather them, for he pretended that to be his business.

L. C. J. Whose Waterman was it?

Mrs. Goodwin. A Waterman I suppose that belonged to His Majesty, for he had a Coat marked with R. C.

Colledge.

Colledge. This is after I was in Custody.

Mrs. Goodwin. Yes, it was the Saturday after. So no sooner had he the shavings, but he goes out of the Shop, and comes in again with Three of His Majesties Messengers, and they made enquiry after papers, and I being innocent of concealing any papers, or any thing said I knew of none; so they came to one box that had the Tooles for the men to work with, and they demanded the keys. I told him, I knew not where the keys were. So they went to the next and found it open, but nothing did they find there; there was a Bed wherein formerly my Brothers Servants did lye. Said one to the other, Look well whether there be not something hid in that bed; said I, I suppose there is no such thing as you inquire for: if you please, you may take off the Cloths, and gave them free toleration to look; but for the Chest, I would not deliver the Keys, because the man was not there that owned it. In their searching, they flung down the Wainscote, and did a great deal of damage to his Goods. Gentlemen, said I, I suppose you have Order to search, but none to spoil a mans Goods. When they were gone, having found none, they threatened God dam them they would have them, for there they were. But I being ignorant of the concealment of the papers, I requested the Maid and my Brothers Son, whether they knew of any papers, and they satisfied me they knew of some prints that were brought by a Porter, to be left at my Brothers, but they knew not whence they came, nor what they were: and the same answer gave my Brothers Son, that he did not know whose the papers were. But since his Fathers Confinement, they were laid up sure and safe, for they knew not what they concerned. Upon this, my Lord, my Brother-in-law *George Spur*, he comes into the house, and if it please your Honour, I requested him to carry them into the Countrey to his house, to secure them till we knew what they did concern, and who they did belong to. Whereupon he replied, my Lord, That he was fearful to carry any thing out of the house; said I, If you will please to take them of me, I will carry them out of the house for your security, because his Wife looked every hour (being with Child) when she should be delivered, and he was fearful of troubling her. So I carried them out of the house, and delivered them to him.

L.C.J. To whom?

Mrs. Goodwin. To my Brother-in-law *Mr. George Spur*. So at my going out, after I had delivered them to him, in my way back again, I found a small paper-Book, and a small parcel of Writings; who dropped them, or who laid them there, I cannot tell. But taking them up unadvisedly, I put them among the prints, which I carried out; I delivered them to my Brother-in-law. This is all I have to say as to the papers.

Stevens. Three parts of what she hath said is false.

Mr. Serj. Jefferies. Well, hold you your tongue.

Stevens. *Mr. Atterbury* is here, my Lord, that searched the house.

Atterbury. Be pleased to give me my Oath, I will tell you what passed.

Mr. Att. Gen. We don't think it material, but you were Sworn before, stand up.

L.C.J. Tell the manner of finding the papers. This woman gives us an account of a Waterman that came in, pretending to fetch shavings

Atterbury. Upon my Oath it was not so. The Waterman was a Waterman that brought me and two more of my Fellows, and the Waterman followed us into the yard, but came after us: and being ordered to look for papers, I did search the House; for I had Intelligence that there were papers there, but I did not find them there. But upon finding the first papers, I made the more diligent search, but could not find the rest I most chiefly sought after.

Mr. Serj. Jefferies. Did the Kings Waterman take any shavings by himself?

Atterbury. We were all together, we did not move out of any one Room, but together; this Gentlewoman was in the house when I came, and there was a little Child, a Girl, and this Maid was there.

Mr. Serj. Jefferies. Did you come for shavings there, pray *Mr. Atterbury*?

Atterbury. No, I did not.

Mrs. Goodwin. The Waterman did though first.

Colledge. Call *George Spur*. (But he did not appear.) But *Mr. Atterbury*, before you go down, pray tell the Court, did you take any of these papers at my house, or at my Brother-in-law *Spurs* house?

Sewel. My Lord, I took the papers, and I took them at *Bushy* at *Spur's* house. And this woman carried out one half to *Spur*, and the Maid carried out the other.

L.C.J. When did he carry them?

Mrs. Goodwin. The same day they searched for them, for my Brother came in at the same time.

L.C.J. How do you know *Spur* carried any away?

Mrs. Goodwin. He carried none out of the house, I carried them out of the house and delivered them to him.

L.C.J. Then they were in your house ?

Mrs. Goodwin. They were in the Counting-house.

Colledge. My Lord, If they were in any other place, I know not how they came there, for this was all done after I was a Prisoner ; and *Semel* says they were removed when I was a Prisoner. Where is *George Spur* ?

Mr. Serj. Jefferies. It is admitted they were at your house, and taken thence, and afterwards carried to *Spurs*.

Colledge. They carried them abroad and handed them from one to another, and took them into the Countrey, I know not what they did with them ; but, my Lord, I neither know the Printer nor the Author, I declare it upon my life.

L.C.J. Have you any more Witnesses ?

Colledge. No, my Lord, I have not.

L.C.J. Will you that are of Counsel for the King call any more ?

Mr. Att. Gen. One or two if you please, my Lord. Call *John Shirland*. And it is to this purpose, it seems very lately *Mr. Bolron* would have tempted him to have forsworn himself.

Colledge. My Lord, I hope, if they bring in any persons of new Evidence, I may have leave to contradict them.

L.C.J. You need not fear, but you shall be heard to them.

Mr. Att. Gen. We shall prove *Bolron* to be a Suborner of Witnesses ; and that the Jury may know what he is, he and *Mombray* have gone to give Evidence at several Trials, and the Jury would never believe them when they were on their Oaths.

Mr. Serj. Jefferies. I think it needs not, time hath been spent enough already.

Colledge. No whispering, good my Lord.

Sir G. Jefferies. Good *Mr. Colledge*, you are not to tell me my duty here.

Mr. Just. Jones. Is it not lawful for the Kings Counsel to confer together ?

Colledge. Not to whisper, my Lord, all ought to be spoken out.

L.C.J. Nothing ought to be said to the Jury indeed privately.

Mr. Att. Gen. But shall not we talk among ourselves ?

Colledge. No, I hope not of any thing that concerns my Tryal.

Mr. Just. Jones. You are deceived in that.

Colledge. I think 'tis Law, that all ought to be publick, I beg your pardon if I am in the wrong.

Mr. Att. Gen. Swear *John Shirland*. (which was done) Pray give the Court and the Jury an account of *Bolron*, what you know of him.

Shirland. *Bolron*, my Lord, last Whitson-Tuesday, would have given me ten pound and an horse to go down and Swear against *Sir Miles Stapleton*. I was to Swear I was Suborned by his friends, and several other persons, which I have discovered upon my Oath.

L.C.J. Is this man Sworn ?

Mr. Att. Gen. Yes.

L.C.J. Now call *Bolron* to confront him.

Colledge. He offered you an Horse, as much as I offered *Turbervil* an Horse, and I never offered him an Horse in the world.

[Then *Bolron* appeared.]

L.C.J. Is this the man, *Shirland* ?

Mr. Att. Gen. Did he give you Ten pound to Swear ?

Shirland. He bid me Ten pound and an Horse to Swear against *Sir Miles Stapleton*.

Mr. Just. Jones. Did you ever see him, *Bolron* ?

Mr. Bolron. Yes, my Lord, he was to have been a Witness against *Sir Miles Stapleton*, and he pretended that he was Suborned by *Sir Miles*, or some of his friends.

Colledge. What are you, Sir ? *Mr. Bolron*, what is *Mr. Shirland* ?

Mr. Bolron. He is a man that lives by his Shifts : He hath been whip'd in *Bridewel*.

Colledge. Do you know him, Sir ? What is he ?

Mr. Bolron. Even an idle man.

Shirland. You, once when you saw me, drew your Sword on me, because I would not do as you would have me.

Mr. Bolron. I profess, my Lord, 'tis not so.

Att. Gen. Here is *Mr. Smith*, hear what he says against *Mr. Bolron*.

Mr. Smith. As we were coming up along, he was speaking to me of *Colledge*, and told me, he had as much to say against him as any body; and if I would speak for him, he would evidence against Sir *John Brookes* for a discourse at *Ferry-bridge*.

Mr. Bolron. I never did hear any such thing.

Mr. Smith. No man in your own Country will believe you.

Colledge. They believed you no more, it seems, neither.

L. C. J. Do you call any more Witnesses, Gentlemen?

Mr. Serj. Jefferies. No, I think we need not.

L. C. J. Look you, *Mr. Colledge*, as I understand it, the Kings Counsel will produce no more Witnesses. You may make what Observations you will upon the Evidence to the Court, and then must them make what Observations they will to the Court; and then we will give the Charge to the Jury.

Colledge. My Lord, I have onely Innocence to plead; I have no Flourishes to set off my defence. I cannot take the Jury nor the Court with an Oratory; I am unhappy in those things. But, my Lord, I do declare, as to my own particular, in the presence of God Almighty, That as to whatsoever is sworn against me, as to the seizing his Majesty, providing Arms, or having any designe either at *Oxford* or *London*, or any other place in the world, to seize upon the person of the King, or to rebel against the Government established, I vow to God Almighty, I never had such a thought in me: 'tis a truth, my Lord. My Lord, they have sworn desperately against me, and it hath appeared, I think, by very credible persons, that they have contradicted one another. It hath been proved that this was a designe; that they were tampered withal; that they complained they were in poverty, that they wanted maintenance; and they did confess they were tempted to come over to swear against Protestants: and now the Lord knows they have closed with it, and they begin with me. I hope the Jury have taken notice that I have contradicted them sufficiently in what they have sworn; and that it is not possible, if I had a grain of sense, for me to discover my self to be such an one to *Haynes* that was an *Irish*-man, and should speak all the Treason that he hath galloped through at first sight, that as soon as ever I saw him, that I should speak so to him; I hope you will consider whether it confits with common Reason, when there could be no probability of making any use of him in the world. My Lord, all my Witnesses that I have brought, your Lordship can, and I hope will sum them up better than I can; for I declare it, I have been so concern'd, that I have not been able to write half of it down. But I think there is never a man that hath sworn against me, but hath been sufficiently confuted by persons of integrity and honesty, men of Principles, and men of Religion; they are such, my Lord, that make Conscience of what they say: they are persons altogether unknown to me, most of them, as to what they had to say, it was what they offered voluntarily; and I am certain they have had nothing but their bare Charges, if they had that, for their pains in coming hither; and, my Lord, there is no probability that they should come and attest any thing that is false, for me who am a stranger, for nothing: No man is a Knave for nothing, as I believe these men are not. My Lord, I do declare it, I was bred a Protestant, and have lived so; I am so to this very day; I have been a lover of the Church of *England*, and of all the fundamental points of Doctrine believed in it; I own the same God, the same Saviour, the same Gospel, and the same Faith; I never had a prejudice against any man in the Church in my life, but such as have made it their business to promote the interest of the Papists, and such I must beg leave to say there are amongst them: for there is no Society in the world, without some bad men; and these do promote the interest of the Papists, by dividing the Protestants, and allowing none to be true Protestants but those that are within the Church of *England* established by Law; which is a Notion so wide I could never close with that. I never had a prejudice against any man but a Knave in my life. I have heard, I confess, some of the Dissenters, and I have found very honest, just, pious, godly men among them; men free from Oaths and all Debauchery; men that make a Conscience of what they say: not like some persons that say they are of the Church of *England*, that carry themselves in their lives and actions, so as that no credit can be gained to the Church by them. My Lord, I have been an hearty man against the Papists; I have been an hearty man as any person of my condition, for Parliaments, which I look upon to be my Birth-right, and under God Almighty, the Bulwark of our Liberty; and I am sorry if any man should be an instrument to create a misunderstanding betwixt the King and the Par-

Parliament : for I always thought I served my Country, when I served the Parliament, and I served my King when I served my Country. I never made any difference between them, because I thought them both one. I had the honour to be entrusted by them before, and upon that account I came voluntarily down hither. I rid my own Horse, I spent my own Money, and eat my own Bread ; I was not beholding to any man for the value of six pence all the while I was here. My Lord, I have ever since the Plot hath been discovered, endeavoured with all my heart, and all my power, to detect and come at the very bottom of it : I have spared for no time nor pains, what lay fairly in my way, in every thing to encourage those that discovered the Villanies of the Popish Plot against the life of the King, and for the subversion of the Religion and Government established by Law. Now certainly it is not strange to the world ; for I think all Christendom is aware how plain the Popish Plot hath been proved. These men that swear against me, were they that used to follow me sometimes ; they would say, It was they that had come to save our lives, and yet we let them want Bread. That Argument, my Lord, was so fair, that I thought it unreasonable to see them starve : And I have said sometimes to some honest considerable men, That it was hard they should have this to say of us ; That they should want Bread to eat that were the Kings Evidence, to detect a Popish Plot wherein we our selves were concerned ; and that when they had saved our Blood in our veins, they should be suffered to starve. And one time, I think, some three or four Gentlemen of the City did give me 42 s. or 40 s. and 18 d. or thereabouts ; which I did distribute amongst them : and they never came to me in my life, but to seek Relief, they knowing that I had a general Acquaintance. And sometimes they thought it might be fit to petition the Common Council of the City of London to take care of them : Sometimes they would speak to me to speak to particular men that care should be taken of them. At other times indeed it was not this sort of discourse they had with me ; but they would pretend they had something to discover of the Popish Plot, and so they would apply to me as a man of some Acquaintance. And the first time I saw Haynes, was upon such an account, the beginning of March last, and it was thus : I was at Richard's Coffee-house at Temple-bar, where Macknamarra did desire me to go out, and I should hear such a piece of Roguery I never did hear in my life, against my Lord Shaftsbury. So I did go out with them, and I called Captain Brown, who is since dead, to go with me ; and we went to the Hercules Pillars, and Haynes there discovered what I told your Lordship before, a designe to destroy the Parliament at Oxford ; an Army that was to land in the North, and another in Ireland, and the Duke of York was to be at the head of them. My Lord, after I had heard all out, he did desire us all to conceal what he had said till the Parliament sat, and then he would not onely discover this, but much more. He at the same time told us, that there was a designe of Fitzgerald's against my Lord Shaftsbury to take away his life, and he was employed to come to his Cozen Macknamarra to get him over to joyn in the designe, and he should never want for money, if he would but come over and do as they would have him. After he had discovered himself, Sir, said I, You are a stranger to me ; and I never saw him before in my days ; if he had seen me I can't tell : But, Sir, said I, either this is true, or this is false. If it be true, said he, 'Tis all true, and much more. So he up and told us much of Coleman, and of the Reconciliation between the Duke of Ormond and the Duke of York, and how he came to be Lord Lieutenant of Ireland, and how Plunket came to be Primate, and by means of whom, and the Letters that passed, and how so much a year was given to Plunket for carrying on the Correspondence ; and he told us so much, that I did wonder to hear any man talk after that rate. After I had heard what he had to say, I told him, Sir, said I, this is either true or false that you have said : if it be true, my Lord Shaftsbury shall know it to night ; for I will not conceal such a thing concerning a Peer of the Realm : and if it were a colour, he should know of it. And I did send him word that night ; and, said I, Sir, you ought to go, for your own security and ours too, to swear it before a Magistrate. Said he, If I should, I should be discovered. Said I, I can't think you would be discovered ; if you swore it before Sir George Treby or Sir Robert Clayton, they will not discover you. So he agreed he would swear before Sir George Treby ; and he did go accordingly : But he being out of Town, I cannot have the Affidavit to produce it. There was a Letter sent last Saturday-night to Sir George to Bristol, and I hoped he might have been here to day. This was the first Acquaintance I ever had with Haynes. The next time I heard of him, was upon this occasion. It comes to me in Richard's Coffee-house,

house, and, said he, Yonder is the man that made that discovery, which I told you before that *Haynes* had said to me; it was about a month or three weeks before the Parliament was at *Oxford*. After the Parliament was dissolved at *Oxford*, *Ivy* comes to me, and I think it was betwixt the two Terms wherein *Fitz-barris* was arraigned and tried: I know not the names of them; but he comes to me and tells me he had been with my Lord *Shaftsbury*, and that there was a Friend of his that would confirm all that *Fitz-barris* had discovered concerning the Murder of Sir *Edmundbury Godfrey*; and, says he, My Lord of *Shaftsbury* hath sent me to you to acquaint you with it. Where is your Friend, said I? He is without, said he. So we went out of the Coffee-house; and when we came out of doors, there was this *Haynes*: we went to the Crown-Tavern without *Temple-bar*; it was in the Forenoon. When we came there into the Room, he examined all the Corners, and Cupboards, and places about the Room, to see that no body was there. When he thought all was secure, he began to tell me he had been to acquaint my Lord *Shaftsbury* that there was a Friend of his that would discover the whole Intrigue of the Murder of Sir *Edmundbury Godfrey*, all that *Fitz-barris* had said, and much more: and he desired me that I would intreat my Lord *Shaftsbury* to be instrumental to get him his Pardon before he discover'd particularly. Then I told him, I think 'tis convenient, said I, that you discover something in Writing, and give under your hand what you can say. He was not willing to do that. Can you believe, said I, that my Lord of *Shaftsbury* will betray you? Says he, I will not trust any body; I shall be assassinated. Said I, If you will not give it to any body else, Will you give it to Mr. *Michael Godfrey*, Sir *Edmundbury Godfrey*'s Brother? you can have no jealousy of him that he will ever discover you. Said he, If my Lord *Shaftsbury* will engage to get me a Pardon, I will tell the whole truth. Said I, I will go to my Lord and acquaint him: So I went to both my Lord and Mr. *Godfrey*; and Sir *Edmundbury Godfrey*'s two Brothers both met me at my Lord of *Shaftsbury*'s house. This is the thing that he tells me; he would have me get my Lord's Protection and a Pardon for Treason: but the real truth is, he sent me upon this Errand. So I came to my Lord *Shaftsbury*, and the two Mr. *Godfreys* were in the Room; and after I had told my Lord what discourse I had with him, says my Lord, *Colledge*, These *Irish-men* have confounded all our business; and thou and I must have a care they do not put a trick upon us: This may be a trick of the Papists to ruine us; and if they have such a designe, if they will not put it upon you and I, they are fools. Upon your Lordship, said I, they may; but I am a poor inconsiderable fellow. Says my Lord, I'll tell you, Mr. *Godfrey*, Mr. *Colledge* hath not onely been an honest man, but an useful and an active man for the Protestant interst. So I told my Lord how far I had gone with him, and that I desired it might be put in Writing. Says my Lord *Shaftsbury*, If he will put it in Writing, I will go once again; for I have been since I saw the Fellow, with my Lord *Macclesfield*, and my Lord Chief Justice *Pemberton*, and my Lord Chancellor, and I have told them that there is such a person in general, but I knew not the man; as indeed my Lord did not, for onely *Ivy* was the person between them that my Lord knew: And I told them, says my Lord, that he can confirm all that *Fitz-barris* has said concerning the death of Sir *Edmundbury Godfrey*, and that he would prove my Lord of *Danby* was in it, if he might have his Pardon; and my Lord said, They promised to speak to his Majesty that it might be granted. But some time the latter end of the week I heard it would not be granted; and both of these men followed me to know what they should do. Said I, My Lord *Shaftsbury* knows not but that it may be a Trick; and said I to *Ivy*, I wonder why he should conceal it all this while, being a necessitous man, and 500 l. proffered by the King in his Proclamation. Why, says *Ivy*, do you think there is no truth in't? says I, 'Tis not my Judgment, but my Lord *Shaftsbury* and Mr. *Godfrey*'s Judgment too. He answered me again, *Fitz-barris* hath desired he may have a Pardon granted for himself and a Frenchman; and if so be there were nothing in it, Do you think he would move for a Pardon? Says I, Did Mr. *Fitz-barris* move for *Haynes* Pardon? How do I know that,

that, says *Ivy* again: *Fitz-harris's* Wife told me so. Says *I*, Let me speak with *Fitz-harris's* Wife, let me hear her say so, and *I* will believe you. The next day he did bring her to me to my house: And this was the time and the occasion that brought *Fitz-harris's* Wife, and *Haynes*, and *Ivy*, and Mr. *Fitz-harris's* Maid to my house; and *I* never saw *Fitz-harris* in my days, till his Trial, nor had any Communication with him. But, my Lord, she did talk with *Haynes*, and confirmed it to me, That her Husband had desired a Pardon for him: Why then, said *I*, he would do well to discover what he knows to my Lord *Shaftsbury*; for *I* was with my Lord, and he says he will meddle no more, unless he will give it under his hand what he has to say. And he did confess to me in my own Yard, for there we were together, That he saw my Lord of *Danby* come into the Chappel at *Somerset-House*, when the Body of Sir *Edmundbury Godfrey* lay under the Altar.

L. C. J. Here hath been nothing of this made appear by proof.

Colledge. My Lord, I only tell you which way they introduced themselves into my Acquaintance.

L. C. J. You may observe what you will upon the Evidence, as we told you; but you ramble from the matter you are to speak to. And as we told Mr. Attorney, that what he said should go for nothing, unless he made it out by proof; so must we say to you, what you say goes for nothing, further than you have proved it. Now you have quitted the Proof quite, and not spoke to that, but run into other stories. I would have you keep your self to your Proofs, and make your Observations upon them.

Colledge. 'Tis, as I humbly conceive it, to my purpose, but I hope my ignorance may excuse me, if I erre. I tell you the truth of things, thus it was.

L. C. J. Truth! Why if yours or any man's word in your case should go for truth, no man that stands at a Bar, could be convicted: for every man will say he is an honest man, and all the plausible things in the world. Make you your Observations upon the Proof, that is proper for you to do; and urge it as well as you can, and to the best purpose you can: but to tell us long stories of passages between you and others that are not a whit proved, that is not usual, nor pertinent.

Colledge. I thought it had been to the point, when this man pretends to have a familiarity with me, to shew how his Acquaintance begun.

Mr. Just. *Jones.* Why do you think 'tis an Answer to him in what he proves upon his Oath? Have you proved one jot of it? not that I have heard. 'Tis your part to sum up the Evidence on your own side, and to answer that which is proved upon you, if you can. Do that, and we will hear you speak to it as long as you can. But to tell stories to amuse the Jury with that are not proved, and to run out into rambling discourses to no purpose, that is not to be allowed, nor never was, in any Court of Justice.

Mr. Just. *Raymond.* Not one of your Witnesses have mentioned any thing that you say.

Mr. Just. *Levins.* I wonder, Mr. *Colledge*, you should forget your self so much: for you found fault with Mr. Attorney at the beginning for opening the Evidence, and you were told, and the Jury were told at your request, that what he said, and did not prove, passed for nothing. But I must tell you, 'tis much worse in your case: for Mr. Attorney only opened what he might prove afterwards, but your Observations are upon what hath been proved already; and yet you run out into stories of what hath not been proved at all, after your Proof is past.

Colledge. Sir, I could not prove this otherwise than by *Ivy*, who hath been sworn against me.

Mr. Just. *Jones.* Would you have the Jury to believe you upon your word?

Colledge. There is no more than his Oath against me; and why my Oath, being an English-man and a Protestant, should not be taken as well as his that is an Irish-man and hath been a Papist, I know not.

L. C. J. You go upon that ground that your word is to be taken, as appears by
your

your defence ; but I must tell you, all the course of Justice were destroyed, and no Justice against Malefactors were to be had, if the word of him that is accused should pass for proof to acquit him.

Colledge. My Lord, I have given your Lordship an account of these fellows Conversations ; and what other Proofs to make, I know not : for I knew not what they would swear against me, and I had not Witnesses in my Pocket to confront them.

Mr. Just. Levins. Well, the Jury have heard it over and over again, first upon your request, that nothing is to be taken notice of that is not proved.

Colledge. Pray, my Lord, then as to *Haynes*. My Lord, I do observe that there was a Witness for me that did prove, he owned he was one that was employed to make a Protestant Plot, and another that did hear him Swear, dam him, he would Swear any thing against any body for Money, for it was his Trade.

Mr. Just. Levins. Now you are right ; speak as much as you will as to your proofs.

Colledge. My Lord, I think *Turberville* and *Dugdale* Swear as to the tenth of *March* in *Oxon* ; I desire it may be proved I was in *Oxford* the tenth of *March*.

Mr. Just. Jones. You yourself came down the middle of *March*.

L.C.J. I do not remember that they said the tenth of *March*.

Colledge. Did not the Indictment say so ?

Mr. Att. Gen. It is only in the Indictment.

L.C.J. As to the time mentioned in the Indictment, it is not material ; that is the constant rule in Tryals upon Indictments ; as if an Horse be laid to be stole the tenth, if it be proved the prisoner stole it at another day, it will be sufficient, the time is not material ; the question is whether the Indictment be true in substance. *Mr. Colledge*, my Brothers will all tell you that the Law is so.

Mr. Just. Levins. Though it is laid the tenth of *March*, yet if it be proved the first or twentieth before or after, it is all one ; so the thing be proved, they are not bound to a day.

Colledge. My Lord, the punctilio's of Law I know not, but it was the twenty fourth or twenty fifth cr'e I came down.

L.C.J. Well, go on, Sir.

Colledge. *Dugdale* says I meant by the word *Rowley*, the King.

Mr. Just. Jones. He does so.

Colledge. How does he come to know, that by that word I meant the King ?

L.C.J. That we did ask him, and he says you used so to expound it.

Mr. Just. Jones. Why look you, he said you and he used to have frequent Communication concerning the King, and you did most frequently speak of the King by the name of *Rowley*.

Colledge. But I say, my Lord, I never spake of the King by the name of *Rowley* in my life.

Mr. Just. Jones. You say it, and he Swears the contrary.

Colledge. I don't remember that he says I declared it so, but he said, I meant it ; for if I had declared it, then it had been the same thing for me to have named the King downright.

Mr. Just. Levins. Look you *Mr. Colledge*, as to that, when any Witness had done his Evidence, you had liberty to cross examine him.

L.C.J. Would you have him called up again to clear this ?

Colledge. Yes, if you please.

L.C.J. Stand up *Mr. Dugdale*. I understood by your Testimony, when *Mr. Colledge* and you discoursed of the King, you sometimes discoursed of him by the name of *Rowley*, and that he explained that name to be the King.

Mr. Dugdale. The first time I ever heard what *Rowley* meant, was from him ; for I asked him what he meant by the name of *Rowley* ; I heard it before, but I did not understand it.

Mr. Just. Jones. Where was it ?

Mr. Dugdale. At *Richards* Coffee-house.

Mr.

Mr. Just. Jones. What was the answer he made you?

Mr. Dugdale. He said it was the King.

Colledge. Upon what occasion did I explain it to you?

Mr. Dugdale. Upon the account of the Pictures.

Colledge. I know not which of the Pictures has the name of *Rowley* in it.

Mr. Dugdale. It was when we were talking of one of the Pictures you brought in *Rowley*, and *Mick* and *Mic* was the Duke of *York*, and *Kenley* was the King.

Colledge. Upon what Picture was it, that I took occasion to explain the name *Rowley* to you?

Mr. Dugdale. I am not certain.

Colledge. Remember you have an account to give as well as I.

Mr. Dugdale. You have so many Pictures that I can't remember them; you have shewed me more than have been produced in Court.

Colledge. Where had you that Picture from me that they call *Raree Shew*?

Mr. Dugdale. Truly I received of them twice at *Richards* Coffee-house.

Colledge. Twice, do you say?

Mr. Dugdale. Yes, two of them at two several times; for you having promised me one, you brought it according to your word.

Colledge. When was that?

Mr. Dugdale. I did not keep an account of the day of the Month; and another I do remember at the *Green Dragon* Tavern you thrust into my pocket, and *Mr. Baldwin* was by at that time. And said he, *Mr. Colledge*, You will be so open, that you will come to be discovered at last.

Colledge. Then will I be willing to dye for it, if he and I and *Mr. Baldwin* were at the *Green Dragon* Tavern together. When was it that I gave you any Pictures there? was it since the Parliament at *Oxon*?

Mr. Dugdale. Do I charge you since the Parliament?

Colledge. I never saw *Raree Shew* before the Parliament at *Oxford*.

Mr. Dugdale. I do not say it was that; you gave me one of the others.

Colledge. 'Tis strange you will stick to nothing; When was it we were at the *Green Dragon* Tavern?

Mr. Dugdale. We were there before the Parliament sat at *Oxon*; it was since *Christmass*.

Colledge. What Picture was it I gave you there?

Mr. Dugdale. It may be I can't remember which of them it was, it was not *Raree Shew*; I suppose you gave me one of them concerning the Bishops, where you put Bishop *Mew* killing the Popes Toe; for it was a Bishop with a patch on, and that you told me was Bishop *Mew*.

Colledge. I put it, did I make it?

Mr. Dugdale. You said you were the Author.

Mr. Just. Jones. *Mr. Colledge*, Will you consider upon what *Mr. Dugdale* was called up about, the Exposition of the Name *Rowley*?

Colledge. I did examine him, and he hath contradicted himself; for he hath said at the *Green Dragon* Tavern I gave him a Picture of *Raree Shew*.

Mr. Just. Jones. He said no such thing, he said he did not know which it was.

Colledge. I am certain he meant that then when he spake it; for he named it before, that he had two from me at *Richards* Coffee-house, and one I thrust into his pocket at the Tavern; and I say, I never was at the *Green Dragon* Tavern with *Mr. Dugdale* and *Mr. Baldwin*, nor in the Tavern these three quarters of a year.

Mr. Just. Levins. *Mr. Colledge*, you were in the right way just now to manage your Evidence, in opposition to the other Evidence; go on in that way.

Colledge. My Lord, I don't know well what was said, for I could not hear half, nor write a quarter of it; but, my Lord, I hope your Lordship hath taken Notes of it, and will remember it for me. You are my Counsel as well as my Judges.

L.C.J. In matter of Fact we are.

Colledge.

Colledge. My Life and your Souls lye at stake to do me Justice; therefore I hope you will take notice of what I have not had the opportunity to write down. I have observed that every one of my Witnesses have spoken materially to contradict what they have said, to prove that this was done for Money, and that there hath been Confessions from every man of them; that they were hired to do it; that they did it for a Livelyhood; and one of them said, It was a good Trade, dam him, he would do any thing for Money: And I hope then you will consider the improbability, that I should speak to an *Irish* man who I had never seen before in my life; and that I should at the first dash utter all that Treason that he gives in Evidence, I think it cannot consist with any man's understanding to believe me so mad or so weak.

Mr. Justice Levinz. That is as to *Haynes* only.

Colledge. As to *Smith* now I suppose it does not come within the reach of the Statute; for the Dinner that was made by Alderman *Wilcox*, was made before last *July* was twelvemonth; all the Witnesses do say it was before *Christmas*, and *Dr. Oates* says it was in the Summer; I know it by a very good observation, because I went to *Astrop* Waters after that, and I saw Sir *Creswell Levinz* at the *Wells*: Now Sir you were there before this time twelvemonth. So then whatever he says I said to him there, I cannot be charged withal by the Statute, more or less, if I had never a Witness against him; but I have Witnesses that have contradicted him sufficiently that he is forsworn in that; and if so, he is not to be believed in any thing else; for he says, he and I went to the *Coffee-house* together, and we discoursed such and such things, which is not above half a Bows shoot, and he made it I say a quarter of a miles discourse; if I had had all the talk, the discourse could not be so long, tho' he had said never a word: So you see what a kind of Witness he is. And *Dr. Oates's* Brother did say, That I did go along with *Dr. Oates*, and offered to be one of his Guard, and I did say so, and went along with them, but *Mr. Smith* he came after. And as to what he says he is sufficiently confuted, that is, about the going into Cabals after Dinner; for it is proved, That I fell asleep behind the Table, and *Dr. Oates* was discoursing with *Mr. Savage* upon points of Divinity; but I took no notice of it, neither did I see *Smith* any more, but he went away, and so did the rest of the Company. But, my Lord, when *Haynes* was taken, *Smith* comes to me that day to my House at the *Ditch-side*, and sends in a man for me, his man; I was writing in my Parlour, and drawing the Design for Wainscoting *Albion's* Church, a Platform for it; his man told me, His Master would speak with me, and *Haynes* was taken that morning: But as I understand since, it was by agreement and his own consent, tho' he hath pretended otherwise. You hear, says he, *Haynes* is taken? Yes, says I, I do, he hath been ever since 9 a Clock before the Secretary upon Examination, and he was till 5 a Clock at night examining, said he: I believe he confesses a great deal, said I: Of what, said he? Of some design of the *Protestants*, said I: What, against the Government? I do not know what they may affright him into; he is a great Rogue if it be true all that he hath said of himself: He says, He was concerned in the *Fire of London*, and knew of a Design to destroy the *Protestants* then; of a Rebellion that was to be in *Ireland*; of *Plunket's* being made *Primate*, and a great many of those things: So that if he speaks truth, he hath been a great Rogue, and as he hath pretended also, he was a great Coward. So then I believe he may say any thing to excuse himself; says *Mr. Smith*, I wish you are safe: This was the very night before I was taken.

Mr. Just. Jones. Have you proved any thing of this?

Colledge. My Lord, Pray give me leave to tell you what is proof.

Mr. Just. Jones. You are not to repeat this, unless you prove it, Sir.

Colledge. He spake cautiously to me, as if he would have intimated to me, he would have had me run away. Said he, I believe you are not safe, I would have you take care of your self, for you were concerned with him. Now, my Lord, if I had been a guilty person, I had time enough to get away; and to prove this, I can only say, this was betwixt him and I: But, my Lord, you hear *Dr. Oates* says, that this very *Smith* did swear he would have my Blood, and that was upon this occasion of my vindicating *Sampson*, whom he had struck and abused; and I asked, Why he did it? Said he, I value no man's Life, if he affront me, if tis any man in *England*, I value him not: My Lord, upon this occasion the words rise between us; and when he came out of doors, and was going away, *Dr. Oates* said, He swore he would have my Blood, and that was the occasion of his speaking that Blasphemy.

Lord Ch. Just. Dr. Oates did say so.

Mr. Just. Levinz. Well you are right now if you will go on in that way.

Colledge. My Lord, This is for *Smith* and *Haynes*, that *Haynes* should say it was a good trade, and dam him, he would swear any thing for money, and that *Smith* should swear dam him he would have my blood. I cannot sum up the rest of them for I have not them here.

Mr. Just. Jones. There is *Turberville*, and *Dugdale*, and *Smith*; we will help you as to the persons.

Mr. Just. Levinz. Pray keep to the business, and do not run out.

Colledge. Pray my Lord, I have one thing to say about *Smith*; he says I shewd him my Arms, which I have had for any time almost these 3 years, ever since the Plot brake out. I have been Armed ready to oppose the Papists, and I did my duty in the City in person in the Trained bands, but *Smith* says these Arms were to destroy the Kings Guards, but he does not prove that I was Confederate with any other person, but instead of that there were other persons that say with his own mouth, that he did not believe there was any Protestant Plot; nay, he did believe I said it only in wantonness. This is all, then how probable was it, that I my self should seize the King, or destroy his Guards.

Mr. Just. Jones. You remember Captain *Brown*, Captain *Chuton*, and Don *Lewes*, *Mr. Colledge*.

Colledge. Did he swear they were all in my company at *Oxon*?

Mr. Just. Jones. Yes, *Dugdale* did.

Colledge. My Lord, Captain *Brown* and *Lewes* were friends to my Lord *Howard*, with whom and other Company I came down to *Oxon*, and they lay with me at the *Chequer*, and they were in my Company because they were Guests in the House, and we came along together, but he does not say they were either of them Armed more than my self, nor was he ever in company with us, how then does he know we were in a Conspiracy?

Mr. Just. Jones. Because you told him at *London* first that they were such persons.

Colledge. I never saw *Lewes* in many days till I saw him that morning I came down from *Oxon*, and *Brown* I was not acquainted with a fortnight before. This is a truth, but however they have sworn a Plot upon me at *Oxon*, and then come and prove I declared these were the men, and spoke such and such words at *London*; I desire your Lordships Judgment in this matter of Law, whether what be done at *London* can be sufficient matter of proof in Law to maintain an Indictment against me at *Oxon*? And if not; they do not prove legally that I have spoken such words. Besides I conceive 'tis not a good proof, because there is but one Witness.

L. Ch. Justice. Yes, look you, there are two Witnesses, *Dugdale* and *Turberville*, as to what you said at *Oxon*, and two Witnesses as to what you said at *London*, *Haynes* and *Smith*, who testify what you said you would do at *Oxon*. Now in case you came to *Oxon* with any such intention, that coming to *Oxford* is an overt-Act, and the witnesses that speak what you said in *London*, is Evidence to maintain the Indictment here, and to prove what your intention was.

Colledge. Does that become an overt-Act if I go to *Oxon* upon an honest occasion, any other occasion, tho' I had said those words before.

L. Ch. Justice. If you came with that intent to joyn with others, and with a real purpose to seize the King, that is the Overt-Act, and the words before prove the intention.

Mr. Just. Jones. He declared it himself by his words.

Colledge. *Smith* says that about a week after *Wilcox's* dinner, I discoursed with him at the Ditch side, that comes not within the compass of the Statutes. Then there is twice of the 3 times he speaks of, the last day I do not remember when it was.

L. Ch. Justice. All was in *London* that *Smith* speaks of you.

Colledge. How comes that to be proof here, then nothing he says is to go for any thing.

Mr. Just. Jones. Nothing will serve your turn; we have declared our Opinions once already, that if the Witnesses swear true, here are two witnesses; nay, if one were of what was done at *London*, and the other of what was done at *Oxon*, if they be to the same Treason they are two Witnesses in Law.

Colledge. My Lord, I observe one thing upon *Turberville's* Evidence, he swears there was a discourse in the Room when *Brown* was upon the Bed, but afterwards if your
Lord-

Lordship minds it, he says, I discoursed with him as he and I lay upon the Bed. Before he said when *Brown* lay upon the Bed, and in the Room, and afterwards when we lay upon the Bed.

Mr. Just. Jones. Both the one and the other.

Colledge. But he said said first one way, and then the other.

Mr. Just. Jones. Whilst *Brown* lay upon the Bed, and when he was gone, whilst you both lay upon the Bed.

L. Ch. Justice. We will do you no wrong, therefore if you will, *Turberville* shall stand up and clear it.

Colledge. My Lord, I believe those that have taken the passages can prove he contradicted himself in that.

L. Ch. Just. He said both. But the Jury have taken notes of the Evidence, and will take notice of it.

Colledge. As to *Mr. Masters*, the Evidence he gives was, he says that he and I should discourse of the Parliament in 40.

Mr. Just. Jones. And the justinableness of the late King's death, that they had done nothing but what they had just cause to do.

Colledge. He swears that I did say to him, that the late Parliament did not cut off the Kings head.

Mr. Just. Jones. And you said the last Parliament that sat at *Westminster*, was of the same opinion with that in 40.

Colledge. I dare appeal to *Esq; Charlton*, in whose shop the discourse was. I did not know that *Mr. Masters* was to be an Evidence against me, and truly they have taken that course with me, by which any man may be destroyed with half this Evidence, were they of good Credit, let his Innocence be what it will. I have been used so barbarously in the *Tower*, kept from all Conversation, and so in an utter ignorance of what was sworn against me; for else I could easily have disproved *Mr. Masters*, if I had been in *London*, and had liberty to provide for my defence; but they have taken a course to prevent that, and brought me hither because 'tis impossible I should here defend my self.

L. Ch. Just. You have not offered at any Witness to Impeach *Mr. Masters* Credit.

Colledge. *Mr. Masters* discourse he speaks of was in *Mr. Charlton's* shop, I durst have appealed to him about it, for I know if he were here he would do me right. *Mr. Masters* did say the Parliament cut off the late Kings Head. We held a dispute upon that which I was not willing to enter into; I said they did not; and we did then dispute whether they began the War against his Majesty: I said they did not that I knew of, neither were they the persons, but the Papists that began that War and that broke off the Treaty at *Uxbridge*, and that the Papists carryed it on to that sad issue, and put it upon the Protestants, that they had the odium of it, but it was another sort of men that carryed it on. I said that I did always understand that Parliament to be an honest Parliament, that minded the true Interest of the Nation, and much of the same opinion with the Parliament that sat last at *Westminster*. But before I said this, I said they were persons altogether innocent of the Kings murder, and raising the War against the King, I did always understand that so the Parliament in 40 were.

L. Ch. Just. But they were guilty of a Rebellion, and are declared so by Act of Parliament since His Majesty came in.

Colledge. My Lord, I am unacquainted with the Law, I speak only my sense of it. And my Lord, I did excuse them as to the Murder of the King, and the beginning of the War, that according to my understanding they were not Guilty of it, and from thence I did maintain they were an honest good Parliament, and much of opinion with the Parliament that sat last at *Westminster*, which was for the true Interest of the Nation.

L. Ch. Just. And was that the true Interest of the Nation, to cut off the King's Head?

Colledge. I did argue that with him some time, and I did tell him that it was the Papists that did all the Mischief.

Mr. Just. Jones. But he sayes no, upon his Oath, that when he had said, the Parliament began the Rebellion, and the Parliament did cut off the King's Head, you said the Parliament did nothing but what they had just Cause for, and the Parliament that sat last at *Westminster* was of the same mind.

L. Ch. Just. Those were his words,

Colledge. Pray let him be called again.

Colledge.

L. Ch. Just. Let *Mr. Masters* stand up again.

Colledge. Pray Sir relate the whole discourse that passed between you and I, whether I did not argue with you it was not the Parliament cut off the Kings head, nor begun the War, but the Papists.

Mr. Masters. No, you did not say any such thing. We had a great deal of discourse in the Shop, and under the Arch, and the thing that was said, *Mr. Colledge*, was this. You did say to me that you did justify the late long Parliament of 40, and their proceedings, and you said they were a Parliament that did nothing but what they had just cause for: said I, how can you be so impudent to say so, when they raised the Rebellion against the King, and cut off his head: said he again, they did nothing but what they had just cause for, and the Parliament that sat last at *Westminster* were of the same opinion.

Mr. Just. Jones. I did you no wrong in repeating the evidence, you see, *Mr. Colledge*.

Colledge. Did I not first dispute with you that they did not begin the War, nor cut off the King, but the Papists did it.

Mr. Masters. Look you *Mr. Colledge*, you would have had it the King began the War.

Colledge. Don't you say so, for I said the Papists began the War. Sir say no more to me than what you will answer to God Almighty; for I always said the Papists did all the mischief in the late times: and I wonder Sir you would not be so just to his Majesty as to detect me for what I said then, if you apprehend it to be as you now say; but I am sure you did not, nor could not.

Mr. Masters. *Mr. Colledge*, it was so far from that, that I was afraid it was of dangerous Consequence, and I gave some Persons of Honour an account of it, and I was sent to but on Friday last, to know what it was was said, and I was desired and commanded to come down hither.

Colledge. Pray *Mr. Masters*, you are upon your Oath, do me but Justice, and speak upon your own Conscience; look you to it that you speak the truth.

Mr. Masters. I will do you all the right I can in the World.

Colledge. Then before the Court do you declare whether we did not discourse at that time as I said, for this discourse was at *Mr. Charlton's* shop at the further end.

Mr. Masters. No it was at the entrance into the shop, *Mr. Colledge*; and did not we go into the Arch and talk there.

Mr. Serj. Jefferies. *Mr. Masters* don't trouble your self, your Reputation is not upon the Level with that Gentlemans.

Colledge. I desire he may speak the very truth and nothing but the truth.

Mr. Masters. I do as near as I can, and do you no wrong; you did not in your discourse say the Parliament did not begin the War, nor cut off the King's Head.

Colledge. You did say to me they did cut off the King's Head, and I told you no, the Papists did.

Mr. Masters. I think you did say that the *Papists* had an hand in it; but, Sir, you have left out the most material part of our Discourse, which was, that you said they did nothing but what they had just cause for.

Colledge. I do say, and it was my sence always, That the Parliament did not cut off the King's Head, for they were long out of doors before that came to pass, and a new unhappy War was begun.

L. Ch. Just. The War was a Rebellion on the Parliaments part, let us not mince the matter, and so it was declared by Act of Parliament; and if you argued after that rate, it shews your temper, and that you are a very ill man; for they that justify such things as to the time passed, would lead us to the same things again if they could. Therefore don't go about to palliate it, *ad faciendum populum* here, 'tis nothing to the matter, but only to shew your Principles, and the Jury have heard what *Mr. Masters* says.

Colledge. I was then a Child, and do not know all the passages, but I speak my sence.

L. Ch. Just. You should not have justified such things.

Mr. Just. Jones. Who appointed the High Court of Justice that tryed the King and condemned him, but the Parliament?

Mr. Just. Levinz. It was the Garbage of that Parliament I am sure, that is the *Rump*, but they called themselves the Parliament of *England*, and the Parliament it was that begun the War.

Colledge. My Lord, I did not know, nor don't know that it is proved yet, that the Parliament were those that did cut off the King's Head. I don't know, *Mr. Masters* is pleas'd

pleas'd to say this of me ; but I thought no evil, nor did he understand it so I believe at that time, for he did not seem to take advantage of my Discourse. I know he talked violently and passionately with me, as he used to do ; and for Mr. *Masters* to say this of me now, is a great unkindness ; for I thought he was so much a Gentleman, that if I had spoken any thing that had not become me, he would have taken notice of it then.

Mr. Serj. Jefferies. He did then he tells you.

Colledge. Had I known of it, I am sure Mr. *Charlton* would have done me justice, and set things right ; but this I say, I did first excuse the Parliament from being concerned in the Murder of the King, or that they did begin the War, but the *Papists* did it : If it were otherwise, it was more than I understood ; and after that I said, I thought that the Parliament that sat last at *Westminster*, did stand up for the Peoples Rights, after the same manner that the Parliament in 40. did.

Mr. Just. Jones. What just after the same manner, in raising War and Rebellion against the King ?

Colledge. After I had discoursed it thus, my Lord, as I told you, it could not be understood that I thought that Parliament would cut off the King's Head : And therefore you that are my Jury, pray consider, and take it all together, there could be no such meaning made of my words ; for I did not conceive that that Parliament were concerned in those things, but were a Parliament that stood up for the Rights of the People : Now if it were so, then the Parliament at *Westminster* were of the same opinion.

L. Ch. Just. I tell you the Long Parliaments levying War is declared Rebellion by Act of Parliament.

Colledge. My Lord, if there hath been an Act since that says they were guilty of Rebellion, I declare it 'tis more than ever I knew before. This is the first time that ever I heard of it.

Mr. Serj. Jefferies. You are a mighty learned Gentleman to talk of those points indeed.

Colledge. My Lord, I desire to know whether any words that were spoken 6 months before they gave in their Depositions can be a sufficient Evidence in Law against me now ?

L. Ch. Justice. 'Tis upon the Act of the 13th of this King you speak.

Colledge. Yes, My Lord, I take it upon that Statute.

L. Ch. Justice. I tell you as to that part of the Statute which concerns Misdemeanors, there is a particular clause for prosecution by order of King or Council ; but as to that part of the Statute that concerns Treason, it must be prosecuted within six months, and the Inditement within three months after.

Colledge. What Statute is this Inditement grounded upon ?

Mr. Just. Jones. All Statutes that concern Treason.

L. Ch. Justice. Upon the Statute of the 25 of *Edw. 3.* which declares the Common-Law ; and the Statute of the 13th of this King, which when you have done, I will have read to the Jury.

Colledge. Then pray my Lord, let me ask you one question, Whether the Statute of the 25th of *Edw. 3.* does not say that there shall be two positive Witnesses to Treason ?

Mr. Just. Jones. No, but there is another that does.

Colledge. I am ignorant of the Law, and therefore I ask the question.

L. Ch. Justice. Well, I will tell you, there must be two Witnesses in the Case, but one Witness to one fact at one time, and another Witness to another fact at another time, will be sufficient Evidence to maintain an Inditement of Treason ; this was told you in the morning.

Mr. Just. Jones. And it was told you withal, That it was the resolution of all the Judges in the Case of my Lord *Stafford* when he was tried in Parliament.

Colledge. They proved fact in that Case, writing of Letters, and offering money to kill the King, but nothing of fact is proved against me, but riding into the Country with Arms that I had three years before.

L. Ch. Justice. We will read the Statute of the 13th, wherein words are declared to be Treason.

Colledge. I pray it may be read, if you please. *(which was done.)*

L. Ch. Justice. Look you here, To compass or imagine the imprisonment of the King and to express it by malicious and advised speaking, when proved by two lawful Witnesses, is Treason by this Act.

Colledge. Now, whether you will distinguish, that there must be two Witnesses to distinct

strict places or times, or whether the Statute intends two Witnesses to every particular fact and words.

L. Ch. Justice. We told you our Opinion before, That one Witness to one fact, and another to another of the same Treason, was sufficient. We are upon our Oaths in it, and speak not our own Opinions, but what hath received publick resolution in Cases of the like consequence.

Colledge. What lies before these Gentlemen of the Jury as done at *Oxon*, 'tis but upon a single testimony.

Mr Just. Levinz. Nay, *Mr. Dugdale* and *Mr. Turberville* both swear the same thing, your design to seize the King at *Oxon*. And it would be the difficultest thing in the world to prove Treason against any man if the Law were not so, and a man might commit all sorts of Treason securely; for to be sure he would never say the same things before two Witnesses in one time, and the King would be no sort safe; for there would never be two Witnesses to one and the same thing: But that hath been resolved often and often over and over again, particularly in my Lord *Stafford's* Case, as you have been told.

Colledge. My Lord, you say the King is not safe upon those terms, and no private man is safe in the other way.

Mr. Just. Levinz. We say that the Law is so, and there is good reason for it.

Mr. Just. Jones. We must not alter nor depart from the allowed received Law.

L. Ch. Justice. I say the thing hath been considered in other Cases, and the Law hath been adjudged and settled. It was so resolved in my Lord *Stafford's* Case when the Judges by the command of the Parliament did deliver their Opinion upon that point moved by him.

Colledge. There is nothing of fact proved against me but a pair of Pistols, a Sword, and an Horse.

L. Ch. Justice. We have told you the Law, and answered your question.

Colledge. But as the Case stands, if that be the Law, all Society and Conversation must be ruined by it.

Mr. Just. Jones. Pray go on, when do you think we shall have done else?

Colledge. However I do not insist upon that so much, as that the Testimonies and Oaths of these men are altogether invalidated, by substantial persons that have here testified against them. I do declare upon my Salvation, (I have nothing else to say) I am wholly innocent, and the Jury are my Judges, and I beseech them, as they will answer me at the great day of Judgement, where they must appear as sure as I stand at this Bar now, that they do me right, and go according to their own Consciences; for if a man shall be sworn against by such Fellows as these are, no man is safe.

Mr. Serj. Jefferies. The worse, the better to be trusted by you.

Colledge. I am sure it cannot be thought by men of common Reason, that I should speak Treason at that rate that they have sworn, and to such men, men of their Profession, *Irish* men, and *Papists*, Traitors that have declared they have been in all manner of Rogueries, Murders, Plots and Treasons. Therefore, my Lord, I cannot do any more for my self, because I have no Notes, and cannot recite what hath been said for me or against me; but I do depend upon your Lordship, and I hope you will inform the Jury rightly, and do me Justice; and I do pray the Jury that they will let their Consciences be satisfied, as they are *English* men, and as they are Christians, to consider how the Case lies with me, whether there has not been more occasion of talking of late, and whether a slip of the Tongue may be called a premeditated, malicious, advised speaking, I mean, my Discourse with *Mr. Masters*. He talked with me as hot as fire, he was so violent, and I did discourse him at that rate I have told you, and that is truth, as I have a Soul to be saved: I did excuse the Parliament, that as I understood it, they had no hand in the beginning of the War, or the Murder of the King. My Lord, As for the rest that have sworn against me so desperately, I must say, that if the Jury did not as well consider my Evidence as theirs, yet they might well consider, whether it consists with common sense and reason, that I should speak to these men after this rate, when I could lay no obligation upon them, nor have any confidence in them; necessitous persons, that could not assist me one Mite, men that were beholding to me to borrow Money of me, and that eat of my cost, that I had always been obliging to, and not they to me. But I hope I need insist upon this no further; the whole Nation is sensible what is doing, and what this does signify: They have begun with me in order to the making of a *Presbyterian* Plot, which they would carry on

to stifle the noise of the *Popish Plot*; and this is not the 1st. the 2^d. nor the 10th. time that they have been at this Game; how many Shams have they endeavoured to raise——

Mr. Att. Gen. Who do you mean by *they*?

Colledge. The *Papists*.

Mr. Att. Gen. There is nothing of *Papery* in the Case; they are all *Protestants*.

Mr. Just. Jones. They are all Persons that have lately receiv'd the Sacrament.

Colledge. They were all *Papists*, and I believe are so still; for *Mr. Dugdale* did justify to me the Church of *Rome* in several things: And when I told him that they were all Knaves and Fools that were of that Religion, he told me, that many of their Priests were holy good men.

Mr. Just. Jones. Have you proved that?

Colledge. I can't prove it, it was betwixt him and me, my Lord.

Mr. Just. Jones. Then I hope you have done.

Colledge. If I had sworn against him, he had stood in my place.

L. Ch. Just. Have you done, *Mr. Colledge*?

Colledge. My Lord, I only desire the Jury to take all into their serious Consideration; I expect a storm of Thunder from the learned Counsel to fall upon me, who have liberty to speak, and being learned in the Law, understand these things better than I, who must defend my self without Counsel. I know not whether it be the practice in any Nation, but certainly 'tis hard measure, that I being illiterate and ignorant in the Law must stand here all day, they being many, and taking all advantages against me, and I a single person, and not able to use one means or another either of writing or speaking. But, Gentlemen, I do declare and protest, as I shall answer it at the day of Judgement, that as to what these people have sworn against me either as to words, or as to any manner of Treason against the King, the Government, the Laws established, I take God to witness I am as innocent as any person upon Earth. And therefore I must beseech you be not frightened nor flattered; do according to your Judgements and your Consciences; you are to be my Judges both in Law and Fact; you are to acquit me or to condemn me, and my Blood will be required at your hands. And whatsoever is said to you by others, you are my true Judges, you must give an account of the Verdict you give; and therefore you must see that you do Justice, as you will answer it at another Bar, where you must all certainly appear, and the Lord Almighty direct you that you do me true Justice, and I ask no more.

Mr. Sol. Gen. May it please your Lordship, and you Gentlemen of the Jury. Here hath been a great deal of time spent, and truly I think for no other Reason but to divert you from the matter that is before you, and that you might forget the Evidence that hath been given. And therefore I will briefly repeat it to you, that I may refresh your memories about what hath been sworn. Gentlemen, the Crime charged upon *Mr. Colledge* is High Treason in imagining and compassing the death of the King; the proof of that hath been by a Conspiracy to seize the King here at *Oxon*, which Conspiracy he declared he was in, by shewing Arms prepared for that purpose, and by coming down to *Oxon* with that intent, this is the proof of his design to kill the King.

Colledge. Is the Conspiracy proved of that *Mr. Solicitor*?

L. Ch. Just. *Mr. Colledge*, We have had a great deal of patience with you, you have spent a great deal of time, you must contain your self now, and let them go on.

Colledge. Do not let him do me wrong my Lord.

Mr. Sol. Gen. I will do you no wrong *Mr. Colledge*.

Colledge. Sir, there is no Conspiracy proved.

L. Ch. Just. Look you *Mr. Colledge*, you have taken up a great deal of time, and we have had much patience because we consider your condition, and had rather hear too much than be hard upon you, and because the Evidence was long and difficult to repeat, now we have heard you, you must have patience to hear what the Kings Counsel repeat and observe upon it.

Mr. Sol. Gen. As I was saying the fact that is charged upon him, is a design to kill the King, the manifestation of that design is by preparing Arms to that purpose, and by coming down to *Oxon* to seize the King here, and that this was his manifest intent to seize the King, the proof of it hath been by Witnesses, that I think by and by you will have no Objections against. These Witnesses were *Dugdale*, *Turberville*, *Smith* and *Haynes*, these are the most material Witnesses to the Treason, there are two other Witnesses indeed, but they are to other circumstantial matters that I will take notice of to you by and by; and make my observations upon them in their proper place.

Mr.

Mr. *Dugdale* was the first Witness that was produced, and his Evidence is very full, he proves that Mr. *Colledge* declared to him at the Coffee-house here, that he was come down with an intent to seize the King, that he had an expectation some thing would be done, that he was Armed, and that he did advise Mr. *Dugdale* to be Armed too, for he was provided for the rooting out of Popery, which he explained himself what he meant by it, that was the Church of *England*, and the King and all his Adherents. He came hither Armed for that purpose Gentlemen, and did advise Mr. *Dugdale* to Arm himself too, that he did declare to him the King was a Papist, and all his Family were Papists, he was as deep in the Plot, and as Guilty of the Murder of Sir *Edmond-bury Godfrey*, as any body else. This was what he declared to *Dugdale* here, and this he swore to you when he gave his Evidence.

The next Witness is Mr. *Turberville*, and he is positive to the matter that is laid in the Indictment, and swears to you expressly, that he did declare to him at the *Chequer-Inn*, that they came down here in expectation of some sport, that something would be done, that they did expect the King would begin with them, but if they did not, they would begin with him, and they would secure him till they had brought him to Compliance. He shewed him his Arms, that he was ready to ingage in that design, and advised *Turberville* to be ready too. And the rather than *Turberville* should not be ready he offered to procure him an Horse.

Colledge. Every man had the same Armes that I had, and I had had them long before that time.

Mr. *Sol. Gen.* But every one had them not with the same intent, but Gentlemen, because Mr. *Colledge* interrupts me with an Objection, I will take notice of it now by the way. He says those Armes he had before, and therefore they were not provided for this purpose, Gentlemen, we do not pretend to prove when this Trayterous intent first began, and how long this design hath been hatching, but such a design there was, and such a design he manifested to be in himself when he made the Declaration to *Turberville*, and advised him to Arme himself, whether he prepared them against that time or no is not material, if he had them before, and if he had them first innocently, yet if he afterwards designed them for such a purpose, and shewed them in a readiness for it, that is a sufficient Evidence to prove this Treason.

So here are two Witnesses you observe against the Prisoner of this matter that is laid against him in the Indictment, an intent to kill the King, they both prove it positively upon him at *Oxon*. Mr. *Dugdale* speaks to matters precedent to, for he tells you, his discourse before they came down, that they would come down for that purpose, that they had an expectation some thing would be done, and therefore he came down in an Equipage not suitable to his profession, for you see he was by Trade a Carpenter or a Joyner, but Armed on Horseback with a Case of Pistols, things that don't become such men to Travel with, and he did declare to Mr. *Dugdale* for what purpose he came down. The next Witness is Mr. *Smith*, and Mr. *Smith* is as positive and full to this matter of Treason as any of the rest.

Colledge. There is scarce a Carpenter or a Joyner in *London* but hath Pistols when he rides.

L. *Ch. Just.* Mr. *Colledge*, We must not suffer this, We had so much patience with you that we expect you should be quiet now and not interrupt the Counsel.

Colledge. My Lord, Let me not be overborn upon, there is scarce a Poulterer in *London*, but what hath Pistols.

Mr. *Sol. Gen.* We had great patience with you Mr. *Colledge*, and did not interrupt you I am sure, but let you say what you would. I think I do you no wrong, if I do, I am under the Correction of the Court, they will reprove me if I do that which does not become me.

Mr. *Just. Jones*. Did not you ramble I don't know how, and yet you were suffered to go on?

Mr. *Sol. Gen.* He tells you of a discourse as he came from the Coffee-house to go to a Dinner whither he was invited by Alderman *Wilcox*; and the discourse was, That the King was as great a Papist as the Duke, and much more to that purpose vilifying the King. That Alderman *Wilcox* was a man that gave Money to buy Armes to bring the King to submission. He objects against this, and says, 'tis impossible such a discourse should be, and that all this should be talked in so little a time, as in passing from the Coffee-house to the Crown-Tavern without *Temple-Barr*.

Colledge.

Colledge. Pray remember whose Company it was proved I went in, Mr. Solicitor.

Mr. Sol. Gen. But Gentlemen, when you consider, how busie a man he was, and how ready at talking of Treason, you will not think, but that this man might talk much more than this; but this I mention to do him right, it being one of the Arguments he used; and to give an Answer to it, tho' when you consider it, I believe you will think it not to need an Answer. But I would do him all the right I can, and now you have heard it, you will consider the weight of it.

Gentlemen, he tells you of another discourse afterwards that does relate to his being here at *Oxon*, he tells you he had Armes in his house, and was ready upon all occasions, and he shew'd Mr. *Smith* his Armes, and told him, these were the things that were to destroy *Rowley's* Guards, as he said, which by the Evidence is made to appear he meant the King by that name, his Armes he said were for that purpose. That he would go down to *Oxon*, and there he expected some sport, I know not what sport he thinks there is in Rebellion; you see what principles he is of, that does maintain and justify the greatest and horriddest Rebellion that ever was in *England*, and says they did nothing but what they had good cause for. He tells *Smith* that he thought the King would seize upon some Members, and with that expectation he came down, but he was as ready as the King, and would be one in the securing of him, if he meddled with any of the Members. This proof Mr. *Smith* made; and that after the Parliament was dissolved, he said, that the King ran away, and was very much afraid. This is proved by *Smith* likewise, and this *Colledge* did declare after he came to Town. *Smith* proves further, That he did wonder the King did not consider how easily his Father's Head was brought to the Block; and for Mr. *Colledge's* part he did declare, that he did believe this King would be served so shortly. And this does confirm what his other Witnesses have spoken of his words at *Oxon*. Thus then there are three Witnesses, tho' two are enough to convict a man, if they be positive to the Treason.

Mr. Haynes is the 4th. Witness, and he is as full as any of them. I do but repeat it in short; you have had it so often canvassed by *Colledge*, that I believe you will easily remember it. He did advise *Haynes* that he should not value the King at all, for the King should be called to account for all his Actions; he said he would seize the King and bring him to the Block as they did his Father, with an undecent expression of that blessed King not fit to be repeated. And he said, they did intend when they had cut off him, never any more of his Race should Reign; this it was *Haynes* says, tho' there are other matters. I would take notice of one thing more, and I need not but mention it, you will remember it, and that is about the Libel of *Fitzharris*. *Haynes* tells you upon discourse of that Libel, he said, that every word of it was true, as sure as God is in Heaven. Now that was a Libel made by a Papist, an *Irish* Papist, who hath been Tryed, Convicted, and Executed for it, and the horriddest Libel it was, that ever was Writ. And this is the Libel which this Gentleman, who is so very conversant in Libels, and Books of that sort, avers to be as true as God is in Heaven. This is the substance Gentlemen of that proof which hath been made to you; we have other Circumstances to prove, that as he came down with that intent to seize the King, and as he expected what he calls some sport, so he did endeavour to begin the sport, he did quarrel in the Lobby of the House of Lords with *Fitz Gerald*, some blows passed, and Sir *William Jennings* telling him his Nose bled, he did declare I have lost the first blood in the Cause, but it will not be long before there be more lost. Thus after he had come down, he endeavoured to begin a Commotion, for from little matters great things do sometimes arise, and when all men were possesst with an Expectation, such as he himself did declare, he and others came down with an expectation that the Parliament should be attacked; a little matter, might have begun such a Commotion which no man knows what end it would have had.

Gentlemen, this hath been our proof. Now the Objection made to this proof by Mr. *Colledge*, is, That this is a *Papish* design to raise a new Plot, and cast it upon the Protestants, and that these Witnesses are now to deny all the Evidence they have given of

the Popish Plot, and throw all upon the Protestants. This is that he would persuade you to believe, but which I think when you do consider a little of it, it will be impossible for you in the least to have such a thought. For what are the Evidence that have proved this? who are they? Men of Credit, that have been Evidences against the *Papists* Plotters, and against men that have suffered for that Plot, men that still stand to the Evidence they have given, and affirm it every word to be true, and one of the very men that he brought says, that they still stand to it; for *Turberville* who was one of the Witnesses against my Lord *Stafford* was tempted by some persons to deny the Evidence he had given against the *Papists*, but his answer was, no, I can never depart from it, I have a soul to save, that was true which I said, I cannot deny it. It then the Witnesses which he would have you believe to be guilty of denying the Popish Plot, do confirm what they have said as to that discovery, that objection is taken off, and they doe stand still to it that every part of it was true, and aver the same thing; and yet forsooth these men are going about to tittle this Plot.

Gentlemen, these are the men the whole Nation have given credit to, the Parliament having impeached my Lord *Stafford* upon the credit of them (for it was upon the credit of *Dugdale* and *Turberville* that they impeached him, for there was not two Witnesses till *Turberville* came in and made a Second, and upon their credit) after so solemn a Tryal where all the Objections that could possibly be made were made, the House of Lords thought fit to find my Lord *Stafford* Guilty, and my Lord *Stafford* suffered for it, and dyed upon the credit of these men. These are the Witnesses Gentlemen, that this man thinks ought to be blown off with that frivolous Objection, that they are Persons he would have you believe, who are Guilty of a design to throw the Plot upon the Protestants. But because he hath desired to save himself in an Herd, by numbring himself amongst the Protestants. I must a little observe to you what a sort of Protestant he is, a man he would have you to believe, so popular for his Religion, that he hath obtained the name of the Protestant Joyner. But when you have considered what his Actions are, I believe you will a little suspect his Religion. If the Protestant Religion allow any man to vilifie the King, to Arraign the Government, and to throw off all manner of allegiance, then this man is a Protestant: but if this be to act the part of a *Papist*, and if the *Papists* could with that such an infamy might be put upon the Protestant Religion, that it should justifie such a Rebellion as the late horrid one was, and own such a Principle that it is lawful for any Subject to asperse and vilifie the King, as this man by those many and scurrilous Libels seems to do; If they could with this Nation overturned, and the Government in confusion, and the Church of *England* destroyed, the Best Bulwark now in the world against Popery, and the best or only refuge at this day left for the poor afflicted Protestants abroad. Then whilst Mr. *Colledge* does thus act the part of a *Papist*, he does very ill to call himself a Protestant. Gentlemen, I cannot but observe one thing to you, and it was the Evidence of Dr. *Oates*, when he did first discover the Plot, and without his Evidence you would easily believe the thing. He told you there were two ways they had to accomplish their design, by direct murdering of the King, or if that failed, by putting all things into confusion here, and raising Rebellion and disturbance amongst us, and the way to affect that Rebellion it was by having Emissaries sent among us, to work us into a dislike of the Church, and by that means into a Rebellion against the State. That some men were sent abroad for that purpose to preach at Conventicles, some whereof were catched, and some did suffer. Now without this Evidence it would not be hard to believe, that such there are, and have been, for all that know the History of our Reformation do know that it was an early practice among them, to raise Sects amongst us, to bring confusion first into the Church, and then in the State. And we have already found the sad effects of it.

Now Gentlemen, if *Colledge* have all this while under the name of a Protestant acted the part of a *Papist*, though I cannot say he is a *Papist*, nor that he is one of those Emissaries, yet I may say he is not that good Protestant he pretends to be. Gentlemen, I must now to do him right, come to repeat the Evidence that he hath given against our Witnesses; for Mr. *Haynes* he hath produced several Witnesses, one is Mr. *Hickman*, who says
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he overheard *Haynes* say to one that was his Tenant, that it was his trade to swear, and he must get money by it. This he overheard him standing and listening at a door. You have another man *Lun*, that is the next Witness, and he says that at the *Fleet-ditch* where he saw him, there he declared the same thing to him, that he would swear any thing for money, and dam his soul rather than the Catholick Cause should sink ; and now He comes to prove a Plot upon him that is a *Protestant*, and in his person upon all the Protestants of *England*, and this man would fain throw off the credit of the Popish Plot, and turn it upon the Protestants. But Gentlemen it is strange, that Mr. *Haynes* should have this discourse with *Lun*, the first time that ever he saw him, for I am sure his own Witness *Lun* says it was the first time, and that he should immediately talk to him at this rate is somewhat strange : But for an Answer to it, this *Lun* we have confronted with the Evidence of *White* the Messenger, who swears, that afterwards meeting him at *Uxbridge*, *Lun* asked him what Gentleman that was, and did not know Mr. *Haynes*, and yet he takes upon him to prove, that he had spoke such words to him before. I think there is never another material Witness against *Haynes* except *Whaley*, who was an under-Officer in the *Kings-Bench* ; and he says, that *Haynes* while he was a Prisoner there ran away with a silver Tankard, but he never was indicted or prosecuted for it, tho' he remained afterwards in the House ; and this was 5 or 6 years ago.

Now Gentlemen, I think the nature of this Evidence hath not that weight, as to take off the credit of what this man hath said upon his Oath, especially when this man's Evidence is so backed with the Evidence of other men, that I think there is no Objection at all against it. For the other Witnesses, *Dugdale*, *Smith* and *Turberville*, are men whose credit has not been impeached, and they have confirmed in substance what the Evidence of *Haynes* is ; so that he does not stand alone in what he here swears, but 'tis confirmed with concurrent Evidence with it.

Then Gentlemen, for the Objection against *Dugdale*, *Turberville* and *Smith*, they have produc'd Dr. *Oates* to you, and he must vilifie the credit of those men, whose testimony as to what he gave at first in discovering the Popish Plot, received credit by being seconded by these men. And I cannot but observe it as a strange thing, that this man comes now to vilifie the testimony of those, who have given evidence and been credited by the whole Kingdom ; that he should come here upon the word of a Priest to declare, that Mr. *Dugdale* was a man of very lewd Conversation, and was a person that had a foul Disease on him, when he pretended he was poisoned. I remember this was an Objection that hath been made by the *Papists* to him, and I believe you have heard it often out of their mouths ; but it is the first time that ever I heard it from any one that is a Witness of the Popish Plot, and pretends to stand up for the *Protestant* Religion. Gentlemen, if any such thing as this could have been made out against him, it had been made out ere now, the *Papists* would have taken advantage of it ; and when the wit of all that Party was bent against him, he could not have escaped the having it proved. If
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it had been true, yet Dr. *Oates* takes upon him now to vilifie his credit, and takes up those Arguments the *Papists* have maliciously suggested, but yet were never able to make out. This looks as if the Doctor were again returning to St. *Omers*, that he is thus going about to disparage the Evidence of Mr. *Dugdale*, which in great measure verified the truth of that discovery, which himself first made of the *Popish Plot*.

Against *Turbervile*, Gentlemen, I think there hath been very little at all objected that can have weight with you. Mr. *Brodgate*, as I suppose you observe, has said enough to confirm *Turbervile's* credit; for he hath proved to you, That when he was tempted to renounce his Evidence against the *Papists*, he refused to do it, he had more conscience than to do it, he knew well enough what he had said was true, and as he had a Soul to save, he could not go from it. This is the Evidence that he gives; and which certainly serves much to confirm the truth of *Turbervile*, besides the strict Examination he hath been under, and beyond any thing that Dr. *Oates*, I think, has been able to contradict him in.

Dr. *Oates* contradicts *Smith* about his coming from the *Coffee-house* to *Wilcox's* Dinner. He says, he did not come along with Mr. *Colledge*, but *Colledge* came along with Dr. *Oates*, and *Smith* followed them. But, Gentlemen, you hear what *Smith* hath declared upon his Oath, That they came both together out of the *Coffee-house*; and you hear what his Witness Mr. *Smith* the Councillor says: He does not positively remember that circumstance, yet one would think he should; for *Oates* says, Mr. *Smith* the Lawyer walked just before them, and *Colledge* followed, Mr. *Smith* that is the Witness for the King, he swears he came along with *Colledge*, but Mr. *Smith* the Lawyer being asked that Question, he does not remember that. Then another thing is, Dr. *Oates* says, when they were there, *Colledge* was so far from discoursing of any Treasonable matters, that he was very merry in the Company, and talking innocently, but Mr. *Smith* says, he was so far from being merry or talking Treason, that he fell fast asleep, and slept behind the Table. Gentlemen, these Objections you see what the weight of them is, and how little the Evidence agree one with another, but there is nothing that does contradict Mr. *Smith* in his main Evidence. 'Tis possible they may not remember particular Circumstances, whether Mr. *Colledge* and Mr. *Smith* came together, so they might come together for ought they know, and they may not remember any Circumstance about their retiring, but they can't take upon them to swear it is not so, and their not remembering it does not prove it was not so, and the Circumstance it self is so trivial, that there was no necessity they should remember it. So then no Evidence that comes from Dr. *Oates* can take off that that is given by *Smith*, tho' if Mr. *Smith* were out of the Case, and Mr. *Haynes* too, yet there is Evidence sufficient from Mr. *Dugdale* and Mr. *Turbervile* who are not impeached, and are both of them positive, both to the Fact and to the place.

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There are two Witnesses more that I must mention, and they are *Balron* and *Mowbray*; They Swear that *Smith* Travelling upon the Road with them, would have Suborned them to Swear against *John Brooks*, about a Discourse at some place; but it happened Gentlemen, they differ in point of time in their Testimony, the one said it was the 25th. of *July*, the other was positive it was the 3d. of *August*. But I think I need say no more to these men, but only to desire you to weigh their Credit. *Balron* and *Mowbray* I confess have been Evidence against several men that have been accused of the Popish-Plot, but they have been so unfortunate, as never to gain Credit with any Jury. Mr. *Smith* hath been believed by the whole Court of Parliament; But if there were no more in the Case, these are two men that never were yet believed, men that have been Sworn in their own Country, where they are well known, and been Evidence upon Tryals, but the Jury have rejected the Credit of their Testimony. But besides that, comparing the Testimonies, and the difference that was between them, is a sufficient Evidence to Confront all that they have said.

I think Gentlemen, this is the Substance of what hath been offered by his Witnesses against the Witnesses produced for the King, except that of Mr. *Everard*, who says something against *Haynes*, that *Haynes* should say he Swore for Self-preservation; And against Mr. *Smith* he says, that he heard him say, he did not know of any *Presbyterian Plot*. I believe that may be true, and yet it does not contradict *Smith's* Evidence against *Colledge*; for Mr. *Smith* does not tell you, that he was privy to any such Design of the *Presbyterians*, that he knows of any Consultations that they held, or the ways and means by which they would arrive at the Treason Charged upon the Prisoner at the Bar, but his Evidence is, that this man declared there was such a Design, that there was a Party would do it, and that he would be sure to be one, and Armed himself for that purpose; But his not being Privy to any Plot, or knowing the particulars, is no Contradiction to what he said.

This is that he hath produced for his Defence, and by these things he hath endeavoured to take off the Credit of our Witnesses, and he would have you believe that he is a very good Protestant, though he does that which no Protestant would do, and which is the Papiists work; he hath produced you Witnesses that he has gone to Church, but I do not see he hath produced any Witnesses at all that are now Conversant with him, his own Parishoners in *London*; but if he had brought never so many Witnesses of his going to Church, and of his Conformableness to the Church, yet if he were Guilty of these practices, he must give me leave to suspect the Truth of his Profession; and I think it a great piece of arrogance for him to take upon him the Title of a Protestant, when he hath abused that Title by such unsuitable practices: And Gentlemen, if such practices as these are, which we have fully proved, are such as all good men must abhor, I cannot but reflect upon the condition of this man, whose only hopes is, that you should now forget your selves, and become as ill as he is. But as that cannot be presumed, so I shall not need to say any more to you; you are men of that consideration that can judge between things, and the appearances of them, and know very well how to give the due weight to the Evidence we have given to you, as well as the Objections made by the Prisoner; and so Gentlemen I shall leave it to you.

Mr. Serjeant *Jeffries*, May it please your Lordship, and you Gentlemen of the Jury; It hath been a long time that hath been spent in the course of this Evidence; whether there has been any Art or Design in protracting the time, on purpose to obtrude upon the patience of the Court, or that you Gentlemen should forget the force of the Evidence that hath been given against the Prisoner at the Bar, when there hath been so much time taken up unnecessarily, when there was no occasion, as I must needs say, there was not for such a tedious Defence, I leave it to you to determine: But that which was truly intimated by the Court at the beginning of the

Tryal, must in the end of this Cause be Repeated, and indeed go through it all, that we of the Kings Council, and what the Prisoner has affirmed, that has not been given in proof, signifying nothing, and is not to be any guide at all to you. You are upon your Oaths, and by the Oath you have taken you are bound in Conscience to give a Verdict according to the Evidence that has been given to you, and that is your guide; so that what we opened and have not proved, is no more to be believed then what the Prisoner has said for himself in his own Defence; and whatsoever he says, if he make not good proof of it, is no more to be regarded, then what we who are for the King have alledged, and not made out.

So then this being in the first place premised, I shall take care as near as I can to save the time of the Court, and not to Trespasse on your Patience Gentlemen unnecessarily, in a Case whereupon as great a concern does depend, as perhaps ever came to Tryal at any Bar: For I say 'tis a Case wherein the Life and the Liberty of the King is concerned, and that is the great concern of the Nation; the Religion of the Nation is concerned; I would be understood aright, I mean the *Protestant* Religion established by Law; for I know of no other Religion men ought to Sacrifice their Lives and Fortunes for, but the *Protestant* Religion established by Law; and when these things are concerned, 'tis a Case of great consequence: God forbid any person, *Protestant*, or other, should attempt the Life of the King, and the Subversion of our Religion, and by Stiling themselves by the Name of *Protestants*, should excuse themselves from any such Crimes.

For the Evidence that has been given, I shall not enumerate the Particulars against the Prisoner at the Bar, other then such as have been omitted, (If I mistake not,) by Mr. Solicitor.

In the first place there are the things that hapened at *Oxon*, for you have had it already sufficiently told you by my Lords the Judges who are upon the Bench, and who (under Mr. *Colledges* favour) are the Prisoners Judges in point of Law, as you are his Judges in point of Fact. They have (I say) already told you what the Law is in Relation to Treasons; that in Case the Treason be in two Counties, if the Witnesses speak to the self same Treason, though to different Facts, that will be two Witnesses to prove High-Treason; and that there hath been such a Case, the Prisoner at the Bar, who he says is a *Protestant* (for his own Souls sake I wish he were a good one) must take notice, that *Gavan* the great Priest who was Tryed at *Newgate*, and Convicted, by what Evidence? By one of them that is a Witness now against the Prisoner at the Bar, that is *Dugdale*, his Treason was committed part in *London*, part in the Country, of which part *Dugdale* gave Evidence; but being both to the self same purpose, by the greater part of the Judges, who were in the Commission, and present at the Tryal, they were reckoned a sufficient Testimony to prove him Guilty of High Treason: And I hope we do not live to that Age, that any *Protestant* whatsoever should come to trip up the Heels of the *Papish-Plot*; by saying, that any of them who suffered for it, did die contrary to Law, or without sufficient proof: For if Mr. *Dugdale* was not a person fit to be believed; or if the rest of the Judges who Tryed *Gavan* were out in the Law, then that man died wrongfully; for he had as much right to have been Tryed according to the Law, as any other person whatsoever. Therefore Gentlemen, as to that matter, we must submit it to my Lords the Judges, who are to give you an Account what the Law is in all particulars before you; but as to the Fact whereof You are Judges, that is the great matter we shall apply our selves to, and for that it stands thus.

Here is *Dugdale* that does give you an Accompt what his Design was in coming to *Oxford*; how he came to be armed as an *Index* (Gentleman) of his mind. And pray give me leave to put you in mind of one thing. You have first a Libel produced

duced, and read to you; a pretended Letter, wherein there are *Queries* that have been taken notice of, and which seem to back the Evidence given by Mr. *Masters*: for there is a Vindication in those *Queries* of the proceedings of that Parliament of 41. which he has confidence enough now at the Barr to justify too. But Gentlemen you were told by the Court, and you know it, That that Parliament was guilty of High Rebellions. And even in those *Queries* he asperses not only the Government, but every man that has any Concern in it; for it takes notice not only of the King, but of all His Council. Never a Judge nor an Officer in the Nation but is traduced by it; and which is most material, it was the Foundation of that Libel which has been mentioned to you, and which *Fitz Harris* was so justly condemned and executed for, that most Traiterous and Infamous Libel in part of it has these *Queries*, and a great Paragraph of this Libel makes up part of that Libel of *Fitz Harris*, which our Witnesses say Mr. *Colledge* was pleased to affirm was as true as God is in Heaven. Another thing is this, This Gentleman whose proper business it had been to manage his Employment at London for a Joyner, is best seen in his proper place, using the proper Tools of his Trade. I think it had been much more proper for him, and I believe you will think so too, then to come with Pistols and all those Accoutrements about him, to be regulating of the Government, what have such People to do to interfere with the business of the Government, God be thanked we have a wise Prince, and God be thanked he hath wise Counsellours about him, and He and they know well enough how to do their own business, and not to need the Advice of a Joyner, tho' he calls himself *The Protestant Joyner*. What had he to do to engage himself, before his Advice was required? How comes he to concern himself so much that after he had writ this Libel wherein he is pleased to take notice of Tyrants afterwards should go to make a Print, I mean the *Rare Shew*; and when *Dugdale* comes to inquire of him what do you mean by such a thing, *the Tyrants shall go down*? Says he, I mean by that *the King*. And what do you mean by having them go to *Breda*? Why there he explains it, that he puts all the Government, the Lords and the Bishops upon the Kings Back, and being asked what he meant to have done with them, Why the Bishops, and the King, and all were to go to *Breda*. These are the things that himself did acknowledge he was the Author of, and these Prints he did cause to be made, and he is the person that gives you an Account, that it was but the conception and imagination of *Dugdale*, that *Rowley* meant the King; but *Dugdale* being called again, he tells you after some time, that he was under some difficulty to know the meaning of it; and then *Colledge* tells him it was meant the King, and so he expounded it to him. And so *Smith* tells you of that same name of *Old Rowley* again. Gentlemen, Thus I tell you what hath been omitted. The Evidence hath been long, and therefore we must be pardoned, if we can't exactly repeat it. This is the Evidence that was done at *Oxon*, the next is Mr. *Smith*, who speaks of what was done in *London*; and he is an Evidence both as to the word *Rowley*, as to the coming with Arms, and as to the declaring to what end he came, and what he had done. Mr. *Haynes* he tells you both before and after the same, and that I must take notice of to you, Mr. *Smith* does particularly say, he used those words, which I hope every honest man, and every good man, that desires to preserve the Government according to Law, will hear with the greatest detestation and abhorrence; he talked of the taking away the Life of the late King of blessed memory at such an impudent rate, that every true Protestants Blood would curdle at the hearing of it. And this he said not only to Mr. *Masters*, but he justified it to Mr. *Smith* too.

In the next place you have *Turberville*, who gives you all the reasons, how he did not only tell of these things himself, but encouraged him to prepare himself accordingly, and he gave him a Mark, a Ribbon with *No Popery. no Slavery*. These were Marks whereby they were to be known, and they were to be one and all, as they call it; that, when such a blow was struck, they should be ready to fall in. There is one thing more that I take notice of, that is, what was said by a Gentleman Sir *William*

liam Jennings, which is a Confirmation of all the other Evidence, that Gentleman who hath appeared to you to be a man of Honour even by the Confession of Mr. Colledge himself, and by his own words, for he said like an honest man, and like a Loyal man too, that he would rather engage himself in three dangers for the Service of the King at Sea, than come in cold Blood to give Evidence against a man for his Life at the Bar. And yet this man who tells you this of himself, and that very Person whom Colledge himself calls a *Worthy Person*, hath given you this Accompt, that when he told him his Nose bled, he answer'd him, it was the first Blood lost in the Cause, but it would not be long e're there was more lost; an excellent Cause for a man to venture his Blood in. When he was told of this, he began to put it off, and to use his own words, had a great mind to sham off the business, but in Truth there was no Answer given to it. Gentlemen, the Objections that have been made against the Evidence that have not been taken notice of, I desire to take notice of. I think against three of them there has been only Mr. Oates, and Mr. Oates I confess has said *in verbo Sacerdotis* strange things against Dugdale, Smith and Turberville. I have only the Affirmation of Mr. Oates, and as ill men may become good men, so may good men become ill men; or otherwise I know not what would become of some part of Mr. Oates's Testimony. And in the next place, if these men have not sworn true I am sure Mr. Oates must stand alone in the greatest point, in which all the Evidence agree, that is the *Popish Plot*.

But, Gentlemen, I must take notice to you, that it is strange to me, that ever you upon your Consciences should perjure three men who positively upon their Oaths deny any such Discourses as Mr. Oates speaks of against them, I do put that upon your Consciences whether you upon the bare Affirmation of Mr. Oates in this place will convict three men upon whose Testimony the Lives of so many as have suffered, have been taken away, and as we *Protestants* do believe justly. I say, whether you will do it upon the bare Affirmation of Mr. Oates against their Oaths.

In the next place, Gentlemen, I must tell you, Besides the positive Evidence of these Gentlemen, there is a Circumstance of improbability in the very words which he speaks of, Will any man tell me, that after such time as men have given their Oaths, as Smith had given his that he was concerned, and so had Dugdale and Turberville too, that these men should come and voluntarily tell Mr. Oates they were all forsworn, are these men such great *Coxcombs* as he would have us to believe? Is it so probable a thing, that any men of common knowledge would do it? Do you think a man of that knowledge and consideration, as Smith is an allowed Scholar, and a man of known Learning, and Mr. Dugdale who has been reckoned by all men to be a good Evidence; do you take these men to be such absolute Novices, that they must seek an occasion to tell him they were Bribed off and were Forsworn? If you can think this, and if a bare Affirmation against these positive Oaths can prevail; Gentlemen upon your Consciences be it.

In the next place, 'tis a strange sort of thing to believe that Mr. Smith should come out of a *Coffee-Houle*, where a Quarrel is pretended to have been between him and Colledge, but Mr. Smith does upon his Oath say he never had any such Quarrel with him, and that he should fall a damning and linking against Colledge, and against the Gospel, that there should be such impudence in the world in any man as to desire or wish such a thing? Gentlemen, these are strange sorts of Apprehensions, and men must have very strange thoughts, that can strain themselves up to the belief of them.

In the next place here it is said by the Prisoner, Good Lord! What a condition we shall be in! Here is a Plot put upon the *Protestants*, I hope in God there is no *Protestant* Plot, but I also hope the whole Interest of the *Protestant* Religion is not involved in the Prisoner at the Bar, and all will be destroyed, if Mr. Colledge dies for his Treasons. Gentlemen, the Question is not whether there be a *Presbyterian* or *Protestant*

testant Plot, we declare we know of none, but whether the Prisoner at the Bar have spoken such words, and done such things as are Sworn against him. And I would fain know what all the Discourses we have had about *Irish* Witnesses and *Papists* signifie, when in all the course of our Evidence, there has been but one *Irish*, and never a *Papist*. But here have been great Discourses about *Macnamarra* and *Denis*, and what it hath been for, but to make a noise, and raise a dust, I can't tell, for in this Cause there has not been one *Irish* man besides *Haines*, and never a *Papist* throughout the whole Evidence: So that it is easie, if men think it will take with the Auditory, for a person to cry out, *Oh Lord! we are all like to be undone, here are Irish Witnesses brought against us*; and yet after all this stir, there is but one *Irish* Witness, and never a *Papist*. And as for him, Truly Gentlemen I must take notice, that even *Colledge* himself, till such time as he was taken, reckon'd him an Honest man.

Colledge. Never in my Life.

Mr. Serjeant *Jefferies*. It was so said. But I do say Gentlemen, suppose (which I do not admit) that the *Irish* man he speaks of be out of the Case; not that the Country is an Objection against any mans Testimony, God forbid it should be so affirmed; for Truth is not confined to places, nor to persons neither, but applyed to all Honest men, be they *Irish* men or others; but I say, set Mr. *Haynes* out of the Case: Suppose there was no such man as *Haynes* in this Case; yet I must tell you Gentlemen, you have as great a proof as possibly can be.

In the next place, I must take notice to you of some Account that hath been given of him by himself: It is wonderful strange when there was that kindness of intimation given by the Court, that he should do well to prove his Loyalty, as well as his Religion, that he did not produce some of his later Acquaintance. If this man that makes himself a Protestant, would have it believed he is such, I wish he would have brought some of those men that knew him at *London* to give you some account of him, and not to stretch backward 16 years to prove his Birth and Education; that is not the best account sure a man can give of himself, to say after he hath been talking at this disloyal rate, that he is a good Protestant, because he was thought so 18 years ago.

Again in the next place, here is an account of the Libels given by the old Woman that is his Sister: Truly she would have it, and that is another Libel at the Bar, as though the man in the Red Coat with *R. C.* upon it, had dropped this kind of Libel in his House, and so he or some body else put a trick upon him; and because she would inveigle you to such an interpretation, she says that they staid behind till the man in the Red Coat had fetch'd away the Shavings, and so here is a new Sham-Plot to be put upon the Prisoner, by dropping Papers in his House; a pretty kind of insinuation. But Gentlemen, against the Evidence of this Woman, you have the very person that was there, the Officer, who swears that he and his Fellows came before the Watermen into the House: But I suppose you observe how that notable talking Maid and she does agree, for the Maid tells you there came a strange Fellow seven weeks before, delivered these things into her hands, her Master was abroad, and she was not to enquire whence they came, or

D:d

what

what they were, but paid him 6 *d.* for bringing those things. Now 'tis very strange that the Maid should pay for the bringing of those things, and yet after that should imagine that some body else should put them there.

But now Gentlemen, in the next place, I must tell you another thing which I would beg you to take notice of : Here are two Gentlemen, Mr. *Balron* and Mr. *Mowbray*, and they have given you an account that they have been Evidence against the Papists, they did well in it, but it hath been their misfortune hitherto they have not been believed ; but whether they have been believed or not before, is no guidance to you at this time, but that which is to guide you is, whether or not they have given you now a Testimony that you in your Consciences can believe. Now can you believe what they have said, nay can you believe it without any Circumstance to confirm it, against those express Objections that arise from themselves, and against the Oath of the person, when the one tells you so exactly of the 25th. 26th. 27th. and 28th. of *July*, and the other tells you that *Smith* took Post, and yet overtook them not till the Sunday after, which was the 3d. of *August* ; and when the Almanack is produced, it was so far from making out what they spake of to be the same time, that whereas one said he came to *London* the 28th. the others Almanack says it was the 27th. then pray how do these persons agree, when the one says that Mr. *Smith* talked with him upon the Road the 28th. and the other says that they came to *London* the 27th. These are Circumstances, Gentlemen, that you must weigh, and you may bring the North and the South together as soon as their two Testimonies, they are so far asunder. Besides, Gentlemen, I hope you take notice of a person that was sworn, a person of some quality, a Scholar in the University here, that says *Balron* (though he denied it) did shew him one of these Pictures, and did discover they were Mr. *Colledges* ; and *Balron* himself, his own Witness, tells you that he did acknowledge one of those Pictures was his. It appears then how busie he was, and concerned himself in what belonged not to his Profession.

So that upon the whole matter, after this long Evidence that hath been given, I must wholly appeal to your Lordship and the Jury ; as to the Law, to your Lordship and the Court ; and as to the Fact, to the Jury : for I do not desire any sort of Evidence should be strained against a Prisoner at the Bar, who is there to be tryed for his Life. God forbid if he be Innocent, but he should be acquitted ; but on the other side, consider the Murder of that great King of ever blessed memory is before you, and remember that base reflection which the Witnesses tell you of upon that horrid Action ; and as a great Evidence, remember that seeming Vindication of it at the Bar, which certainly no *English* man, no Protestant according to the Church of *England*, can hear without having his Bloud stirred in him. And these things are not only testified by *Tugdale* and *Smith*, but by Gentlemen of known reputation and quality ; and he hath a little discover'd himself by that defence he hath made against their Testimony. But know, Gentlemen, that the King is concerned, your Religion is concerned, that Plot that is so much agreed to by all *Protestants* is concerned ; for if *Tugdale*,
Smith

Smith and Turberville be not to be believed, you trip up the heels of all the Evidence and discovery of that Plot. Then I will conclude to you, Gentlemen, and appeal to your Consciences, for according to the Oath that has been given to you, you are bound in your Consciences to go according to your Evidence, and are neither to be inveigled by us beyond our proof, nor to be guided by your Commiseration to the Prisoner at the Bar against the proof; for as God will call you to an account if you do an injury to him, so will the same God call you to account if you do it to your King, to your Religion, and to your own Souls.

L. Ch. Justice. Gentlemen, I shall detain you but a little, and shall be as short as I can, for your patience has been much exercised already: It is a burden, and a necessary one that lies upon us all, for there is nothing more necessary than that such Tryals as these should be intire and publick, intire for the dispatch of them, and publick for the satisfaction of the World, that it may appear no man receives his Condemnation without Evidence, and that no man is acquitted against Evidence.

Gentlemen, there are these two Considerations in all Cases of this nature; the one is, the force of the Evidence; the other is, the truth of the Evidence. As to the force of the Evidence, that is a point in Law that belongs to the Court, and wherein the Court is to direct you; as to the truth of the Evidence, that is a question in Fact arising from the Witnesses, and must be left upon them, whereof you are the proper Judges.

As to the force of the Evidence in this Case, it must be consider'd what the Charge is; it is the compassing the death of the King, and conspiring to seize the Person of the King, which is the same thing in effect; for even by the Common Law, or upon the interpretation of the Statute of the 25th. of *Edw. 3.* that mentions compassing the death of the King to be Treason, it hath always been resolved, That whosoever shall imagine to depose the King, or imprison the King, are guilty of imagining the death of the King; for they are things that depend one upon another: and never was any King deposed or imprisoned, but with an intention to be put to death, they are in consequences the same thing.

Now Gentlemen, in Cases of Treason the Law is so tender of the Life of the King, that the very Imagination of the heart is Treason, if there be any thought concerning any such thing; but then it must be manifested by some Overt-act, upon the Statute of the 25th. of *Edw. 3.* but upon the Statute of the 13th. of this King, made for the preservation of the King's person, if it be manifested by malicious and advised speaking, 'tis sufficient. This is as to the Charge, and as to the Law concerning that Charge, I must tell you there must be two Witnesses in the Case.

Now then for the force of the Evidence, the question will arise there, whether this Evidence, admitting it to be true, is sufficient to maintain the Indictment; so that if there be two Witnesses, you must find him Guilty. Now as to this, Gentlemen, the Prisoner has before-hand called upon the Court, and had their resolution; and I hope you will remember what hath been said, and I shall have occasion to trouble you the less. There have been six Witnesses produced for the King; there are

two of them, Sir *William Jennings* and Mr. *Masters*, that are some way applicable to the Case, though they do not go to the Treason, they are only to infer the probability of the Treason. This of Sir *William Jennings*, was upon the occasion of the bleeding of the Prisoners Nose, after his quarrel with *Fitz-Gerald*, when he said, *He had lost the first blond, and it would not be long ere there would be more lost*; which shews there were some extraordinary thoughts in his heart, concerning some divisions, quarrels, and fighting that he expected should be. That which Mr. *Masters* has said, (besides what he offered concerning his Principles in justifying the Long Parliament) was this, that when he called him Colonel, *Marry mock not*, said he, *I may be a Colonel in time*; that shews some extraordinary thoughts were in his heart.

Colledge. Will not that bear a more favourable interpretation, my Lord? Must that necessarily follow upon my saying, *I might be a Colonel in time*, and *that more blond would be lost*? if I had expressed it so.

L. Ch. Justice. I say you had some extraordinary thoughts in your heart.

Colledge. I am sure the fittest to explain my own thoughts.

L. Ch. Justice. You would have done well to have explained it which way you expected to be a Colonel.

Colledge. It was not an expectation, for a may be, may not be; my word was, *mocking is catching*: I thought he had called me Cozen.

L. Ch. Justice. Well Gentlemen, these are Witnesses I say that go not to the Treason, but only relate and reflect somewhat to shew there were thoughts in his heart, but no body could tell what they were, or know what he meant by them.

Colledge. Then always they are to be taken in the best sence.

L. Ch. Justice. For the other Witnesses, *Stephen Dugdale*, *John Smith*, *Bryan Haynes*, and *Edward Turberville*, they are all of them, taking what they say to be true, very full Witnesses. The Prisoner hath objected as to two of them, because they speak to nothing that was done in *Oxfordshire*, but *Turberville* and *Dugdale* they speak to what was said in *Oxfordshire*. Now for that I must tell you, If you believe any one of these Witnesses, as to what was said in *Oxford*, and any of them as to what was said in *London*, relating to the same Fact of Treason, they will be two good Witnesses to maintain the Indictment, though the one is in the one County, and the other in another; for if a Treason be committed in two Counties, it is in the Kings Election where he will Exhibit the Indictment, and the Evidence from both Counties is good Evidence; that I take for Law, and these four Witnesses, with that consideration that they are true, as I think are full Witnesses to maintain this Indictment.

Why then the next Head is concerning the truth of this Evidence, of which you are to be Judges, and you are the proper Judges whether the Witnesses speak true or no; therefore you must have your own Consciences to direct you in that case, and what I shall say about them, shall be only for your Assistance.

Gentlemen, I shall not take upon me to repeat the Evidence to you, it has been long; and for me to speak out of Memory, I had rather you should recur to your own Memorics, and your own Notes: Only I shall say something in general to contract your Consideration of it.

And

And as I told you at first, you must mind nothing of what the Kings Counsel said, for nothing must have Impression upon you, but what they proved; So you are not to consider any thing of the Facts the Prisoner spake of, that are not proved neither; For common Justice is concerned in it, and no Justice can be done at that rate, if the Prisoners own Affirmations or Purgation should be taken. No man ever can be accused but he will be ready to say he is innocent, and say as flourish and popular things as ever he can for himself. And therefore these things must not weigh with you further, then as what is said, argues upon the Proofs you have had. And you are to consider upon the Proofs what the Prisoner has produced, not what he says on the other side, for the Proofs you have heard a great many Witnesses in general produced by him, that say he was bred a Protestant, and has been an honest Man, that they knew no ill by him, that will be of little weight in a case of this Consideration, for unless he were a Man that had committed Treason to the knowledge of all the World, there is no Man but can produce Witnesses that know no ill of him, nor any Treason nor Harm in him, therefore the Question will lye upon the credit of the Witnesses produced for the King barely, and that will be the Consideration you are only to have, and you are to weigh them in the Ballance against the Witnesses produced against them.

Now Gentlemen, for these Witnesses I shall not repeat them to you, but only this I shall observe in general, that *Dugdale* and *Turberville* that are the two most material Witnesses relating to what was spoken in *Oxford-shire*, have the least said against them. I do not remember I profess to you I do not (but your own notes must guide you) that there was any very material thing said against them, except what is said against them by Dr. *Oates*, and Dr. *Oates* does say against *Smith* that he came out of the Coffee-house, and swore damn him he would have Colledge's Blood, and when he reproved him, and said it was not fit for a Minister of the Gospel to use such Expressions, he said God damn the Gospel, if that be true 'tis a great Reflection upon the Credit of *Smith*. He says as to *Dugdale*, that when he was expostulating with him about his Evidence he excused himself, that he was in want of money, and was pressed to it, and being asked did say he was pressed to swear against his Conscience, he said yes; and much of the same kind he says as to *Turberville*, that he said he was distressed and would not starve. Now all these three Witnesses being called upon their Oaths deny, that which Dr. *Oates* Testifies. Now if it were in an indifferent and probable matter to have three Men condemned, and set aside by the Testimony of one is not equal, unless the Man were of mighty extraordinary Credit, and his Testimony of more than ordinary weight. But then I must tell you this matter is very probable, that after Witnesses had sworn a thing they should voluntarily acknowledge themselves to be forsworn, and that without any Provocation, they should at several times come to this one Man and declare themselves Rogues and Villaines, but if it were probable, here are three Mens Oaths against one Mans affirmation, this I say as to what concerns *Dugdale* and *Turberville*, I do not see any thing material against them, besides now if you believe them, they are two Witnesses to the full Matter of the Indictment, and two Witnesses to what was done in *Oxford-shire*, and that satisfies all the Considerations of Law.

As to the rest of the Witnesses *Bryan Haynes* and *John Smith*, you have had many Witnesses produced against them, I shall not undertake to repeat the Evidence, 'tis your place and duty to weigh their Testimony, and I shall leave it to your Consideration.

Mr. Just. Jones. I shall add nothing to what my Lord hath said, nor indeed can.

Colledge. My Lord, I wish you would look upon your Notes, you would then find there was much more Evidence, that you have not repeated against *Turberville* and *Dugdale*, besides what your Lordship urged.

L. Ch. Just. If there be, I refer it to the Memory of the Jury, I can remember no more.

Colledge. I desire nothing but Justice, and true Justice.

L. Ch. Justice. I am sure I design nothing else, you are a stranger to me, I believe I have seen your Face, but I never knew you by name till now. Look you if the Jury be like to stay, they may take something to refresh themselves at the Bar before they go.

Colledge. My Lord I did see when the Bill was brought against my Lord *Howard*, Mr. *Attorney General* and Mr. *Solicitor* were an hour and half with the Grand Jury.

Mr. Serj. Jefferies. You must say nothing now my Lord has given the Charge.

Colledge. Let me have Justice done my Lord, that's all I crave, that no Body may be with the Jury.

L. Ch. Justice. Look you *Mr. Colledge*, they might be with the Grand Jury, but as to the Petty Jury there shall be a Bayliff sworn, and neither *Mr. Attorney*, nor *Mr. Solicitor*, nor no Body else shall come to them till they be agreed of their Verdict.

Mr. Just. Jones. If that be the thing you ask, you shall have it according to the Law.

Colledge. And any Friend of mine may be by.

L. Ch. Justice. There shall be an Officer sworn to keep them.

Then the Court called for two Bottles of Sack, which the Jury divided among themselves at the Bar, for their Refreshment in the presence of the Prisoner.

After which a Bailiff was sworn, and the Jury withdrawing to consider of their Verdict, the Court adjourned for half an hour, and when they returned, Proclamation being made for attendance, the Court sent to see whether the Jury were agreed, who immediately came in to Court.

Cl. of Cr. Gentlemen, are you agreed of your Verdict?

Om. Yes,

Cl. of Cr. Who shall say for you?

Om. Foreman.

Cl. of Cr. Stephen Colledge, Hold up thy hand, look upon him you of the Jury: How say you, is he Guilty of the High Treason, whereof he stands Indicted, or not Guilty?

Foreman. Guilty.

Cl. of Cr. Look to him Goaler, he is found Guilty of High Treason; what Goods, &c.

At which there was a great shout given; at which the Court being offended, one Person who was observed by the Cryer to be particularly concerned in the shout, was Committed to Goal for that Night, but the next Morning having received a publick reproof, was discharged without Fees.

Then it being about 3 a Clock in the morning, the Court adjourned to 10. At which hour the Court being sate, and first *Mr. Aaron Smith* having entred into a Recognizance of 500*l.* to appear the first day of the next Term, at the Court of *Kings-Bench*.

L. Ch. Justice. Where is the Prisoner *Stephen Colledge*?

Cl. of Cr. Set up *Stephen Colledge*.

Then the Prisoner was brought to the Bar.

Cl. of Cr. Harken to the Court and hold up thy hand; Thou hast been Indicted and Arraigned of High Treason, and for thy Tryal hast put thy self upon thy Country, and they have found thee Guilty, what canst thou say for thy self, why the Court should not give Judgment on thee to dye according to the Law.

Colledge. My Lord, I have nothing more to offer, but only that I am innocent of what is laid to my charge; I think it was severe against me, now contrary to what was sworn at *London*: They swear now, I was to seize the King at *Oxon*. In *London* they swore I would pluck the King out of *Whitehall*, but 'tis altered since, and now 'tis to seize the King at *Oxon*, but be it either one or to'ther (for the one is as true as the other) I am wholly innocent of either, I never had such a thought in my Life, God forgive them that have sworn against me, I have no more to say, my Lord.

L. Ch. Justice. Look you *Mr. Colledge*, it is too late to profess your innocence, you have been tryed and found Guilty; but because you say it now, 'tis necessary for me to say something in vindication of the Verdict, which I think the Court were all very well satisfied with: There were sufficient proofs to warrant it, and the Jury did according to Justice and right. I thought it was a Case, that as you made your own defence, small proof would serve the turn to make any one believe you Guilty. For as you would defend your self by pretending to be a Protestant. It is wonder, I must confess, when you called so many Witnesses to your Religion and Reputation, that none of them gave an account that they saw you receive the Sacrament within these many years, or any of them particularly had seen you at Church in many years,

or

of what kind of Protestant you were. If we look to your Words and Actions, it is true, they did prove this, that you were mighty violent and zealous in crying out against Popery and the Papists; but if we look to your Actions, they favoured rather to promote the Papists ends. For I must tell you, the Papists are best extirpated, and suppressed by a steady Prosecution of the Laws against them, not by violent cryings out, and putting the People into fervent heats and confusions, for that is the thing the Papists aim at; they have no hopes any other way to creep into the Kingdom but by Confusion, and after the Church is destroyed, that is under God the best Bulwark against them. But you that cryed so loud against the Papists, it was proved here, who you called Papists. You had the boldness to say that the King was a Papist, the Bishops were Papists, and the the Church of *England* were Papists. If these be the Papists you cry out against, what a kind of Protestant you are, I know not, I am sure you can be no good one, But truly I thought you would have made better proof of that thing, when you called so many witnesses to that purpose, and then if we look to your Politicks, what Opinion you had of the King, it was proved by your discourse, and by witnesses, that you could have no Exception to their Testimony, that you did justify the late horrid Rebellion, and the Consequents of that was the murder of the best King in the World, that you should go to justify the proceedings of that Parliament, and affirm that they did nothing but what they had just cause to do. I say he that will justify such a thing, if there were the same Circumstances, would do the same thing again.

Then if we look upon another part of your defence, as to your Arms, it was objected you went armed to *Oxon*, and that was made the Evidence of the Overt Act when you said by words your intentions what you would do, that you would make one to seize the King, that you did go armed, you did confess I expected you should have said, you only wore those things for your own defence upon the Road as a Gentleman travelling, or went with your Friends to accompany them out of Town, and defend them from Robbery, but you said, you went to Guard the Parliament. I did not understand what you meant by it. I do not believe the Parliament sent for any Guard, or intended to have any Guard. I do not believe that any of them in their Hearts thought they needed a Guard; for I believe there was not a man that had any thing that looked like that, or any thing of that nature. For we saw, that when the King by the necessity of his Affairs, when the two Houses differed so much, was pleased to dismiss them; they all departed quietly, not a man was seen to be disturbed; there was no appearance of any such thing, and how it should come into your head, that were but a private man to go to guard the Parliament, I much wonder. Suppose all men of your condition should have gon to have guarded the Parliament, what an Assembly had there been? what a bustle might they have made, and what confusion might have been on a sudden? And though you say you are no man of quality, nor likely to be able to do any thing upon the Kings guards or the Kings Person, yet if all of your quality had gon upon the same design that you did, what ill Consequences might have been of it, we see what has been done by *Massianello* a mean Man in another Country, what by *Wat Tyler* and *Jack Straw* in this Kingdom, I confess I know not what you meant by it, but very ill things might have happened upon it.

So that these things when I look upon them, and consider the complexion of your defence, it makes an easie proof have credit. But I think there was a full Proof in your case, yet I say if there had been a great deal less proof, the Jury might with Justice have found you Guilty. And because you now declare your self innocent of all you are charged with, I think my self bound to declare here in Vindication of the Country, and in vindication of the Justice of the Court, that it was a Verdict well given, and to the satisfaction of the Court, and I did not find my Brothers did dislike it. This I say to you out of Charity, that you may incline your mind to a submission to the Justice that has overtaken you, and that you may enter into Charity with all men, and prepare your self for another Life.

There

There is nothing now remaining, but to pronounce the Sentence which the Law provides for such an Offence, which is this, and the Court does award,

That you Stephen Colledge shall be carried from hence to the Place from whence you came, and from thence you shall be drawn on an Hurdle to the Place of Execution, where you shall be hanged up by the Neck, and be cut down alive, your Privy Members shall be cut off, and your Bowels taken out and burnt before your Face, your Head shall be cut off from your Body, your Body be divided into four Quarters, which are to be at the Kings dispose, and the Lord have Mercy upon your Soul.

Colledge. Amen. My Lord, I would know what time your Lordship is pleased to appoint for my Preparation.

L. Ch. Justice. That will depend upon the Kings pleasure, we do not use in these cases of high Treason to precipitate the Execution, but we will leave such Order with the Sheriff to receive the Kings pleasure and obey it. He will not do it so sudden but that you shall have Notice to prepare your self, but it depends upon the Kings pleasure, for your Body is to be at his dispose.

Then the Court adjourned.

And on Wednesday 31. of Aug. 1681. Being the Day appointed by His Majesty for his Execution, he was according to Sentence, Executed over against the Gate of the Castle at Oxford.

F I N I S.

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THE
TRYAL
OF
Slingsby Bethel Esq;
UPON AN
INDICTMENT
PREFERRED BY
Robert Mason
AGAINST HIM,
Of which, he was found GUILTY.
AT THE
General Quarter Sessions of the Peace,
FOR THE
Town and Burrough
OF
SOUTHWARK,
AT THE
Bridge-House.

Holden and kept before the Right Honourable
Sir Patience Ward, Lord Mayor of the City of
London, *Sir Thomas Allen*, *Sir William Hooker*,
Sir Thomas Bloudworth, *Sir James Edwards*, and
Justice Pyrs, on *Wednesday, October 5. 1681.*

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